



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
February 8, 2006

Mayor David Dermer
Vice-Mayor Richard L. Steinberg
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jerry Libbin

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Call to Order - 9:00 a.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports Requests
C4 Commission Committee Assignments
C6 Commission Committee Reports
C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports
R5 Ordinances
R7 Resolutions
R9 New Business and Commission
R10 City Attorney Reports

Reports and Informational Items

Presentations and Awards

- PA1 Proclamation To Be Presented In Honor Of Black History Month. (Page 2)
(City Manager's Office)
- PA2 Certificate Of Appreciation To Be Presented To Jeff Lehman, General Manager Of The National Hotel, For His Service On The Miami Beach Visitor And Convention Authority.
(Tourism & Cultural Development)
- PA3 Certificates Of Completion To Be Presented To The Graduates Of The 2005 Fall Class Neighborhood Leadership Academy.
(Neighborhood Services)
- PA4 Proclamation To Be Presented To Mr. Michael Thompson For His Valuable Years Of Service In The City Of Miami Beach.
(Requested by Commissioner Matti Herrera Bower)

CONSENT AGENDA

Action:
Moved:
Seconded:
Vote:

C2 - Competitive Bid Reports

- C2A Request For Approval To Purchase, Pursuant To Florida State Contract No. 04-12-0823, One (1) 2006 Ford Ranger 4x4 Extended Cab Truck, From Garber Ford, In The Amount Of \$20,490.15; One (1) 2006 Ford F-350 4x2 Utility Body Truck With Dual Rear Wheels, Three (3) 2006 Ford F-250 4x2 Utility Body Trucks, One (1) 2006 Ford F-150 4x2 Pick Up Truck, One (1) 2006 Ford F-150 4x2 Pick Up Truck With Lift-Gate, Seven (7) 2006 Ford Focus Vehicles, One (1) 2006 Ford 500 vehicle, Four (4) 2006 Ford Taurus Vehicles, Two (2) 2006 Ford Explorers, And Two (2) 2006 Ford Crown Victoria Police Pursuit Vehicles, From Duval Ford, In The Amount Of \$368,249.00; And, Pursuant To Florida State Contract 070-001-05, One (1) 2006 Chevrolet Impala Vehicle, From Garber Chevrolet, In The Amount Of \$15,563.15. (Page 5)
(Fleet Management)
- C2B Request For Approval To Purchase One (1) 2006 Komatsu FD40ZT-8 Forklift From Lift Service Inc., In The Amount Of \$30,389.00 Pursuant To Federal General Services Administration Contract No. GS-07F-0305J. (Page 10)
(Fleet Management)

C2 - Competitive Bid Reports (Continued)

- C2C Request For Approval To Purchase Two (2) 2006 Altec L42A Over-Center Aerial Lift Devices With Service Body, From Altec Industries Inc, Pursuant To Federal General Services Administration Contract No. GS-30F-1028G, In The Amount of \$180,708.00. (Page 13)
(Fleet Management)
- C2D Request For Approval To Purchase Four (4) Mercury Optimax Saltwater Engines, From The Mercury Marine Division, Pursuant To Florida State Contract No. 120-440-05-1, In The Amount Of \$35,834.00. (Page 16)
(Fleet Management)

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee Regarding The Collins Avenue And 13th Joint Venture Proposal In Response To Request For Proposals No. 20-97/98 Issued For The Development Of Public/Private Parking Facilities In Miami Beach South Of Dade Boulevard In 1997. (Page 20)
(Parking Department)
- C4B Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Location Of Lifeguard Stands On The Most Crowded Portions Of Our Beaches. (Page 22)
(Requested by Commissioner Jerry Libbin)

C6 - Commission Committee Reports

- C6A Report Of The G.O. Bond Oversight Committee Meeting On January 9, 2006: **1)** Contingency Report; **2)** Discussion Items: A. Annual Report; B. Botanical Gardens; **3)** Project Status Report: A. Update On Fire Station #2; B. Update On Fire Station #4; C. Normandy Isle Park And Pool; And **4)** Informational Item: A. Updated Calendar Of Scheduled Community Meetings. (Page 25)
- C6B Report Of The Finance And Citywide Projects Committee Meeting On January 19, 2006: **1)** Discussion Regarding Public Benefits Offered By The Miami City Ballet To Residents Of The City Of Miami Beach; **2)** Discussion Regarding A/E Additional Services For Construction Administration; **3)** Discussion Item Regarding Policy And Criteria For The Distribution Of Pay-As-You-Go Capital Funds (Item Deferred); **4)** Discussion Regarding An Effort To Create Work Force Housing In Miami Beach; **5)** Discussion Regarding The Carrfour Project At Meridian And 5th Street; And **6)** Discussion Regarding The Jewish Museum's Requests For \$500,000, In The Form Of A Grant From The City Of Miami Beach, To Help Fund The Renovation Of Their Recently Acquired Building. (Page 29)

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement Between The City And Perkins & Will, Inc., In An Amount Not To Exceed \$167,980, For Additional Services For The Municipal Multi-Purpose Parking Garage Project, In Accordance To The Provisions Of The Agreement Which Call For Additional Compensation If The Garage Was Expanded In Scope. (Page 40)
(Capital Improvement Projects)
- C7B A Resolution Electing Commissioner Saul Gross As Vice-Mayor For A Term Commencing On March 1, 2006, And Terminating On June 30, 2006, Or On Such Date When A New Vice-Mayor Is Thereafter Elected. (Page 51)
(City Clerk's Office)
- C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Historic Preservation Easement (Easement) To The Florida Trust For Historic Preservation (Florida Trust), Pertaining To The Colony Theater Project (Colony), In Accordance With Special Condition #21 Of The Grant Agreement Between The City And The United States Department Of The Interior, National Park Service, Dated April 6, 2001; Thereby Enabling The City To Draw Down The Remaining Funds From The Save America's Treasures Grant, That Are Being Withheld By The National Park Service Pending Full Execution Of The Easement By The City And The Florida Trust. (Page 54)
(Economic Development)
- C7D A Resolution Supporting House Bill 177 Relating To The School Year Opening Date. (Page 77)
(Economic Development)
- C7E A Resolution Amending The City's State Legislative Agenda To Include Support Of The Miami-Dade County Public Schools Legislative Priorities, And Further, Continuing To Support The Class Size Amendment And Full Funding Of Said Amendment. (Page 82)
(Economic Development)
- C7F A Resolution Authorizing The City Manager Or His Designee Retroactively To Submit The Following Funding Requests: 1) Grant Application To The Federal Emergency Management Agency (FEMA), For Fiscal Year 2005/06 Hazard Mitigation Program Funds, For Funding, In An Amount Not To Exceed \$1,250,000, For Hazard Mitigation Projects, Citywide; And 2) Community Budget Issue Request To The State Of Florida, For Funding In An Amount Not To Exceed \$5,000,000 For Stormwater Infrastructure Improvement Funding ; Further Appropriating The Grant And Match, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application. (Page 87)
(Grants Management)
- C7G A Resolution Consenting To The Appointment Of Thomas Velazquez As Building Director For The City Of Miami Beach. (Page 92)
(Human Resources)

C7 - Resolutions (Continued)

- C7H A Resolution Authorizing The Administration To Issue A Request For Proposals (RFP) For Investigative And Adjusting Services For Selected Tort Liability Claims And Workers' Compensation Claims. (Page 99)
(Human Resources & Risk Management)
- C7I A Resolution Approving Pursuant To Section 2-367(D) Of The Miami Beach City Code, The Issuance Of A Purchase Order To Amerigrow Recycling, The Sole Producer Of Pine Bark Brown Mulch™ To Be Used Citywide, In The Estimated Annual Amount Of \$40,000. (Page 104)
(Parks & Recreation)
- C7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms; Authorizing The Administration To Negotiate Professional Services Agreements Pursuant To Request For Qualifications (RFQ) No. 02-05/06, For Independent Structural Engineers With The Following Ranked Firms: 1) Douglas Wood & Associates; 2) Pistorino & Alam Consulting Engineers, Inc; And 3) Siddiq Khan And Associates, Inc; And Further Authorizing The Mayor And City Clerk To Execute Professional Service Agreements Upon Completion Of Successful Negotiations By The Administration. (Page 109)
(Planning Department)
- C7K A Resolution Recommending Approval Of A Preconstruction Application For Historic Ad Valorem Tax Exemption For A Single-Family Property At 5645 North Bay Road, And Authorizing The Miami-Dade County Property Appraiser's Office To Grant Said Tax Exemption For The City's Portion Of Ad Valorem Property Taxes For Qualifying Improvements To The Subject Property Following Substantial Completion Of The Project And Compliance With Certain Conditions. (Page 116)
(Planning Department)
- C7L A Resolution Recommending Approval Of A Preconstruction Application For Historic Ad Valorem Tax Exemption For A Single-Family Property At 55 Palm Avenue, And Authorizing The Miami-Dade County Property Appraiser's Office To Grant Said Tax Exemption For The City's Portion Of Ad Valorem Property Taxes For Qualifying Improvements To The Subject Property Following Substantial Completion Of The Project And Compliance With Certain Conditions. (Page 149)
(Planning Department)
- C7M A Resolution Of Authorizing The Mayor And The City Clerk To Execute A Subgrant Agreement For Equipment For Florida Strategy Between The City Of Miami Beach And The State Of Florida, Department Of Management Services To Participate In The State And Local Domestic Preparedness Equipment Program; Radio Interoperability Gateway System. (Page 194)
(Police Department)

C7 - Resolutions (Continued)

- C7N A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving And Allowing The Police Athletic League (PAL), A Not-For-Profit Entity, To Utilize The Public Swale Area, Located At Dade Boulevard And Prairie Avenue, Adjacent To Miami Beach Senior High School, And/Or In Close Proximity To City Hall, For A Fund Raising Event To Operate A Food Concession Stand, From February 16-20, 2006, During The Miami International Boat Show; Further Providing That Said Public Swale Be Utilized By PAL Subject To The Following Conditions: (1) That 100% Of The Profits Generated From This Fundraiser Be Returned To PAL For Its Exclusive Use; (2) That The Subject Permission Is Granted Without Establishing Precedent; And (3) That PAL Provide A Certificate Of Insurance Or Other Proof Of Comprehensive Liability Insurance To The City, Naming The City As An Additional Insured. (Page 219)
(Police Department)
- C7O A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Memorandum Of Agreement With Miami-Dade County, Authorizing The City To Install Special Wayfinding Signs, Which Are Generally Not Provided And Maintained By The County, And Accepting Responsibility By The City For Capital Costs, Construction, Maintenance And Liability For Said Signs. (Page 224)
(Public Works)
- C7P A Resolution Authorizing Appropriation Of \$550,000, From The Stormwater Revenue Series 2000 Bond Fund 428, For Stormwater Improvements In The Area Of Sunset Harbour Drive (Formerly Known As Purdy Avenue) And 20th Street. (Page 235)
(Public Works)
- C7Q A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Landscape Maintenance Memorandum Of Agreement (MMA), Between The Florida Department Of Transportation (FDOT) And The City, Conveying Full Landscape Maintenance Responsibilities To The City, After FDOT Installs The City-Requested Landscaped Median And Roadside Areas On Indian Creek Drive, From 350 Feet South Of 63rd Street To Just North Of Abbott Avenue, As Part Of FDOT Financial Project Number 249940-1-52-01. (Page 240)
(Public Works)
- C7R A Resolution Finding And Declaring The Existence Of A Parking Emergency And Allowing The Miami Beach Senior High School Parent Teacher Association (MBSH-PTA), A Not-For-Profit Entity, To Utilize The Public Swale Area Located At Dade Boulevard, Adjacent To The School, To Provide Additional Parking From February 16-20, 2006, For The Miami International Boat Show, Through A Fundraising Event; Further Providing That The Swale Area Be Utilized Exclusively By The MBSH-PTA Subject To The Conditions Set Forth In This Resolution. (Page 255)
(Tourism & Cultural Development)
- C7S A Resolution Approving In Concept A Grant From The City To The Jewish Museum Of Florida In An Amount Not To Exceed \$500,000 For The Master Plan And Renovation Of The Historic Synagogue Located At 311 Washington Avenue; And Appropriating \$500,000 From South Pointe Capital Fund; And Delegating Authority To The City Manager To Enter Into A Grant Agreement With The Jewish Museum Of Florida, Provided Terms Of Such Agreement Are Satisfactory To The City Manager And City Attorney's Office. (Page 260)
(City Manager's Office)

C7 - Resolutions (Continued)

C7T A Resolution Approving The Settlement Of A City Lien On Real Property Located At 1971 71st Street, Miami Beach, Florida, Owned By Rossam Properties, Inc., Resulting From Special Master Case No. Jb990016 And Providing That The Lien In The Amount Of \$549,825.96 Plus Interest Be Settled For The Amount Of \$1,000.00. (Page 267)

(City Manager's Office)

C7U A Resolution Approving The Settlement Of A City Lien On Real Property Located At 8435 Crespi Boulevard, Miami Beach, Florida, Owned By Delvin And Carmen Fruit, Resulting From Special Master Case No. JB00000666 And Providing That The Lien In The Amount Of \$294,601.22 Plus Interest Be Settled For The Amount Of \$19,000.00. (Page 272)

(City Manager's Office)

End of Consent Agenda

Presentations and Awards

- PA1 Proclamation To Be Presented In Honor Of Black History Month.
(City Manager's Office)
- PA2 Certificate Of Appreciation To Be Presented To Jeff Lehman, General Manager Of The National Hotel, For His Service On The Miami Beach Visitor And Convention Authority.
(Tourism & Cultural Development)
- PA3 Certificates Of Completion To Be Presented To The Graduates Of The 2005 Fall Class Neighborhood Leadership Academy.
(Neighborhood Services)
- PA4 Proclamation To Be Presented To Mr. Michael Thompson For His Valuable Years Of Service In The City Of Miami Beach.
(Requested by Commissioner Matti Herrera Bower)

AGENDA ITEM PA1-4
DATE 2-8-06

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Condensed Title:

Request For Approval To Purchase, Pursuant To Florida State Contract No. 04-12-0823, One (1) 2006 Ford Ranger 4x4 Extended Cab Truck, From Garber Ford, In The Amount Of \$20,490.15; One (1) 2006 Ford F-350 4x2 Utility Body Truck With Dual Rear Wheels, Three (3) 2006 Ford F-250 4x2 Utility Body Trucks, One (1) 2006 Ford F-150 4x2 Pick Up Truck, One (1) 2006 Ford F-150 4x2 Pick Up Truck With Lift-Gate, Seven (7) 2006 Ford Focus Vehicles, One (1) 2006 Ford 500 vehicle, Four (4) 2006 Ford Taurus Vehicles, Two(2) 2006 Ford Explorers, And Two (2) 2006 Ford Crown Victoria Police Pursuit Vehicles, From Duval Ford, In The Amount Of \$368,249.00; And, Pursuant To Florida State Contract 070-001-05, One (1) 2006 Chevrolet Impala Vehicle, From Garber Chevrolet, In The Amount Of \$15,563.15.

Key Intended Outcome Supported:

Ensure well-maintained infrastructure; Increase resident ratings of Public Safety; Increase resident satisfaction with level of code enforcement; Maintain Miami Beach public areas & rights of way; make City more business friendly.

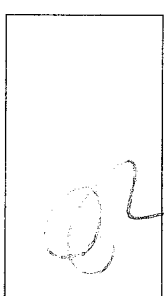
Issue:

Shall the City commission approve the purchases?



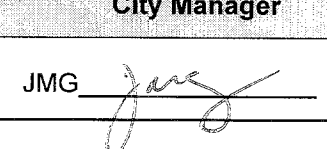
Item Summary/Recommendation:

The 2006 Ford Ranger 4x4 Extended Cab truck and one (1) 2006 Ford F-150 4x2 pick up truck are budgeted **replacements**, funded by the Fleet Management Fund and will be used by the Green Space Management division of the Parks department. One (1) 2006 Ford 500 and one (1) 2006 Ford Explorer are budgeted **replacements**, funded by the Fleet Management Fund and will be used by the Police Department. The 2006 Ford F-350 dual rear wheel utility body truck and one (1) 2006 Ford F-250 Utility Body truck are budgeted **replacements**, funded by the PW Water & Sewer Fund and will be used by the Sewer Division. Two (2) 2006 F-250 Utility Body trucks are budgeted **replacements**, funded by the PW Water & Sewer Fund and will be used by the Water Division. One (1) 2006 Ford F-150 4x2 Truck with lift-gate is a budgeted **addition** and will be funded by the PW Storm Water Fund and will be used by a Storm Water cleaning supervisor. The 2006 Chevrolet Impala is a budgeted **addition**, funded by the Parking Enterprise Fund and will be used by the Assistant Director of On Street Parking. Three (3) 2006 Ford Taurus vehicles are budgeted **additions**, funded by the General Fund- Police Department Capital Account and will be used by additional Public Safety Services staff. Three (3) 2006 Ford Focus vehicles are budgeted **additions** funded by the General Fund – Building Department Capital Account and will be used by newly hired building inspectors. Three (3) 2006 Ford Focus vehicles are budgeted **additions** funded by the General Fund – Code Compliance Capital Account and will be used by new Code Compliance officers. One (1) 2006 Ford Taurus, One (1) 2006 Chevrolet Cavalier, one (1) 2006 Ford Explorer and two (2) 2006 Ford Crown Victoria Police pursuit vehicles are **replacements** for vehicles that were involved in separate accidents and deemed a total loss. Their replacement is funded by the Risk Management Fund. The Administration recommends approving the purchases.

Financial Information:

Source of Funds:	Amount	Account	Approved
 OBPI	1	\$ 43,322.00	425.0410.000673
	2	\$ 45,126.00	425.0420.000673
	3	\$ 15,646.00	427.0427.000673
	4	\$ 15,563.15	480.0462.000673
	5	\$ 41,001.00	011.1120.000673
	6	\$ 38,190.00	011.1510.000673
	7	\$ 38,190.00	011.1520.000673
	8	\$ 79,211.15	510.1780.000673
	9	\$ 88,053.00	540.1792.000379
	Total	\$404,302.30	

Financial Impact Summary:

Department Director	Assistant City Manager	City Manager
AET  SF ___ GL ___ JM ___ FB ___ DD ___ HD ___	RCM 	JMG 



MIAMI BEACH

AGENDA ITEM C2A
DATE 2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February, 8, 2006

SUBJECT: **REQUEST FOR APPROVAL TO PURCHASE, PURSUANT TO FLORIDA STATE CONTRACT NO. 04-12-0823, ONE (1) 2006 FORD RANGER 4X4 EXTENDED CAB TRUCK, FROM GARBER FORD, IN THE AMOUNT OF \$20,490.15; ONE (1) 2006 FORD F-350 4X2 UTILITY BODY TRUCK WITH DUAL REAR WHEELS, THREE (3) 2006 FORD F-250 4X2 UTILITY BODY TRUCKS, ONE (1) 2006 FORD F-150 4X2 PICK UP TRUCK, ONE (1) 2006 FORD F-150 4X2 PICK UP TRUCK WITH LIFT-GATE, SEVEN (7) 2006 FORD FOCUS VEHICLES, ONE (1) 2006 FORD 500 VEHICLE, FOUR (4) 2006 FORD TAURUS VEHICLES, TWO (2) 2006 FORD EXPLORERS, AND TWO (2) 2006 FORD CROWN VICTORIA POLICE PURSUIT VEHICLES, FROM DUVAL FORD, IN THE AMOUNT OF \$368,249.00; AND, PURSUANT TO FLORIDA STATE CONTRACT 070-001-05, ONE (1) 2006 CHEVROLET IMPALA VEHICLE, FROM GARBER CHEVROLET, IN THE AMOUNT OF \$15,563.15.**

ADMINISTRATION RECOMMENDATION

Approve the purchases.

FUNDING

\$ 43,322.00	Public Works Water & Sewer Enterprise Fund Capital Account (Water Division)	425.0410.000673
\$ 45,126.00	Public Works Water & Sewer Enterprise Fund Capital Account (Sewer Division)	425.0420.000673
\$ 15,646.00	Public Works Storm Water Enterprise Fund Capital Account	427.0427.000673
\$ 15,563.15	Parking Enterprise Fund – On Street Capital Account	480.0462.000673
\$ 41,001.00	General Fund – Police Department Capital Account	011.1120.000673
\$ 38,190.00	General Fund – Building Department Capital Account	011.1510.000673
\$ 38,190.00	General Fund – Code Compliance Division Capital Account	011.1520.000673
\$ 79,211.15	Fleet Management Fund – Capital Account	510.1780.000673
\$ 88,053.00	Risk Management Fund	540.1792.000379

ANALYSIS

The 2006 Ford Ranger 4x4 Extended Cab Truck, one (1) 2006 Ford F-350 4x2 Utility Body truck with dual rear wheels, three (3) 2006 Ford F-250 Utility Body Trucks, one (1) 2006 Ford F-150 4x2 Pick Up truck, one (1) 2006 Ford F-150 4x2 Pick Up truck with lift-gate, seven (7) 2006 Ford Focus vehicles, one (1) 2006 Ford 500 vehicle, four (4) 2006 Ford Taurus vehicles, Two (2) 2006 Ford Explorers and two (2) 2006 Ford Crown Victoria Police pursuit vehicles are recommended to be purchased pursuant to Florida State Contract No. 04-12-0823. The 2006 Chevrolet Impala Administrative vehicle is recommended to be purchased pursuant to Florida State Contract No. 070-001-05-1.

The 2006 Ford F-350 Utility Body truck with dual rear wheels and one (1) 2006 Ford F-250 Utility Body truck are budgeted replacements and will be funded by the Public Works Water & Sewer Enterprise Fund Capital Account. These vehicles will be used by the Sewer Division. The F-350 Utility Body truck will be used to haul generators and other heavy equipment necessary for operations. The F-250 Utility body will be used by Sewer crews for repairs, maintenance and replacement of sanitary lines throughout the City. Two (2) 2006 Ford F-250 Utility Body trucks are budgeted replacements and will be funded by the Public Works Water & Sewer Enterprise Fund Capital Account. These vehicles will be used by Water Division crews to maintain pump stations and water lines in the City.

One (1) 2006 Ford F-150 4x2 Pick Up truck with lift-gate is a budgeted addition and will be funded by the Public Works Storm Water Enterprise Fund Capital Account. This vehicle will be used by a Storm Water cleaning supervisor to oversee crew operations. The lift-gate on this vehicle will enable the supervisor to assist with the transport of smaller heavy equipment used in cleaning operations. This vehicle will also allow the supervisor to respond to customer needs without interrupting regular cleaning schedules and serve to enhance the Storm Water division's efforts to increase resident ratings of services and ensure a well-maintained infrastructure.

The 2006 Chevrolet Impala administrative vehicle is a budgeted addition and will be funded by the Parking Enterprise Fund Capital Account. This vehicle will be assigned to the Assistant Director of On Street Parking and will be used to oversee and manage citywide parking operations and crews. This vehicle will allow the Parking Department to improve and maintain current service levels.

Three (3) Ford Taurus vehicles are budgeted additions and will be funded by the Police Department General Fund Capital Account. These vehicles will be used by the Public Safety Services division of the Police Department for additional service aides hired to enhance community policing, improve service levels and increase resident ratings.

Three (3) 2006 Ford Focus vehicles are budgeted additions and will be funded by the Building Department General Fund Capital Account. These vehicles will be used by newly hired building inspectors in day to day operations and serve to improve and maintain the Building Department's current customer satisfaction and strive to make the City more business friendly.

Three (3) 2006 Ford Focus vehicles are budgeted additions and will be funded by the Code Compliance Division General Fund Capital Account. These vehicles will be assigned to newly hired Code Compliance Officers to enforce codes and ordinances throughout the City to ensure that all areas of the City have coverage on a random basis at all times and increase resident satisfaction with the City's level of code enforcement.

The 2006 Ford Ranger 4x4 Extended Cab truck, one (1) 2006 Ford F-150 4x2 Pick Up Truck, one (1) 2006 Ford Explorer and one(1) 2006 Ford 500 vehicle are budgeted replacements and will be funded by the Fleet Management Fund Capital Account. The Ford Ranger will be used by the Parks Department Greenspace Management division's Landscape Projects Coordinator and the Ford F-150 4x2 pick up truck will be used by a grounds keeper at South Pointe Park in efforts to improve public area landscaping and appearance. The 2006 Ford Explorer and the Ford 500 vehicle will be used as an administrative vehicle for the Police Department.

One (1) 2006 Ford Focus, One (1) 2006 Ford Taurus, one (1) 2006 Ford Explorer 4x4 and two (2) 2006 Crown Victoria Police pursuit vehicles are replacements for vehicles that were involved in separate accidents and were deemed a "total loss". They are being replaced using Risk Management Funds.

The vehicles listed below have met or exceeded the established criteria for replacement:

Veh#	Dept.	Year	Make/Model	Mi./Hours	Life to Date Maintenance	Condition
0564	0940	1999	Ford/F-350	43,232	\$ 11,000.61	Poor
0599	0940	1999	Ford/F-150	71,551	\$ 14,043.52	Poor
0613	0420	1997	Ford/F-250	49,712	\$ 6,076.85	Poor
0666-4	0420	1994	Ford/F-250	76,286	\$ 12,178.04	Poor
0731-4	0410	1994	Ford/F-250	84,073	\$ 13,778.17	Poor
0729-5	0410	1995	Ford/F-250	110,205	\$ 21,548.08	Poor
2506	1110	2000	Ford/Crown Vic	93,367	\$ 8,064.17	Fair
2507	1110	2000	Ford/Crown Vic	90,820	\$ 5,276.27	Fair
4234	0462	2004	Chev/Cavalier	23,386	\$ 2,751.51	Totaled
2580	1130	2003	Ford/Taurus	34,629	\$ 2,194.55	Totaled
2599	1120	2002	Ford/Explorer	37,215	\$ 5,304.32	Totaled
2733	1120	2003	Ford/Crown Vic	33,073	\$ 2,377.02	Totaled
2770	1120	2003	Ford/Crown Vic	13,073	\$ 2,743.99	Totaled

Criteria for replacement of vehicles are based on age, mileage, maintenance, engine hours (one hour idling = 35 miles), and overall condition of the vehicle. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.

All deadlined vehicles and equipment are used as a trade-in or sold at public auction. This process effectively reduces our cost of ownership and completes the vehicle life cycle.

CONCLUSION

The Administration recommends that the City Commission approve the purchase of one (1) 2006 Ford Ranger 4x4 Extended Cab truck, from Garber Ford, in the amount of \$20,490.15, and one (1) 2006 Ford F-350 4x2 Utility Body truck with dual rear wheels, three (3) 2006 Ford F-250 4x2 Utility Body Trucks, one (1) 2006 Ford F-150 4x2 Pick Up Truck, one (1) 2006 Ford F-150 4x2 Pick Up Truck with lift-gate, seven (7) 2006 Ford Focus vehicles, one (1) 2006 Ford 500 vehicle, four (4) 2006 Ford Taurus vehicles, two (2) 2006 Ford Explorers and two (2) 2006 Ford Crown Victoria Police pursuit vehicles, from Duval Ford, in the amount of \$368,249.00, pursuant to Florida State Contract No. 04-12-0823; and one (1) 2006 Chevrolet Impala administrative vehicle, from Garber Chevrolet, in the amount of \$15,563.15.

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Condensed Title:

Request For Approval To Purchase, One (1) 2006 Komatsu FD40ZT-8 Forklift From Lift Service Inc., In The Amount Of \$30,389.00, Pursuant To Federal General Services Administration Contract No. GS-07F-0305J.

Key Intended Outcome Supported:

Ensure well-maintained infrastructure.

Issue:

Shall the Mayor and City Commission approve the purchase?

Item Summary/Recommendation:

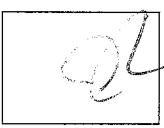
The 2006 Komatsu FD40ZT-8 Forklift is a budgeted replacement and will be funded by the Public Works Storm Water Division Fund Capital Account. This vehicle will be utilized by Public Works to move warehouse stock materials for five (5) Public Works Operations Divisions. The forklift will be capable of lifting 8,000 pounds and equipped with a back-up alarm, beacon light, solid pneumatic tires and a drum handling attachment.

The Administration recommends approving the purchase.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
 OBPI	1	\$30,389.00	427-0427-000673	
	2			
	3			
	4			
	Total	\$30,389.00		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Andrew E. Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AET  FB GL	RCM 	JMG 

T:\AGENDA\2006\feb0806\ConsentForklift Sum.doc





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **REQUEST FOR APPROVAL TO PURCHASE ONE (1) 2006 KOMATSU FD40ZT-8 FORKLIFT FROM LIFT SERVICE INC., IN THE AMOUNT OF \$30,389.00 PURSUANT TO FEDERAL GENERAL SERVICES ADMINISTRATION CONTRACT NO. GS-07F-0305J.**

ADMINISTRATION RECOMMENDATION

Approve the purchase.

FUNDING

\$30,389.00 Funding is available from the Public Works Storm Water Fund Capital Account Number 427-0427-000673.

ANALYSIS

The 2006 Komatsu FD40ZT-8 Forklift is a budgeted replacement and will be funded by the Public Works Storm Water Division Fund Capital Account. The current forklift is fifteen years old and in extremely poor condition. The new forklift will be utilized by Public Works to move warehouse stock materials for five (5) Public Works Operations Divisions, and will be capable of lifting 8,000 pounds and equipped with a back-up alarm, beacon light, solid pneumatic tires and a drum handling attachment.

CONCLUSION

The Administration recommends that the City Commission approve the purchase of the Komatsu FD40ZT-8 Forklift, from Lift Service Inc., in the amount of \$30,389.00, pursuant to Federal General Services Administration Contract No. GS-07F-0305J.

JMG/RCM/FB/GL/AET/jvd

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COMMISSION ITEM SUMMARY

Condensed Title:

Request For Approval To Purchase Two (2) 2006 Altec L42A Over-Center Aerial Lift Devices With Service Body, From Altec Industries Inc, Pursuant To Federal General Services Administration Contract No. GS-30F-1028G, In The Amount of \$180,708.00.

Key Intended Outcome Supported:

Ensure well-maintained infrastructure.

Issue:

Shall the Mayor and City Commission approve the purchase?

Item Summary/Recommendation:

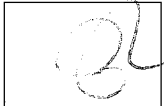
The two (2) Altec L42A aerial lift devices with service body are budgeted replacements and will be funded by the Fleet Management Fund Capital Account. They will be used on a daily basis to perform routine maintenance on the City of Miami Beach Street Light System. These trucks will provide the necessary reach to service all light poles within the City without causing traffic blockages unnecessarily.

The Administration recommends approving the purchase.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
 OBPI	1	\$180,708.00	510-1780-000673	
	2			
	3			
	4			
	Total	\$180,708.00		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Andrew E. Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AET  FB _____ GL _____	RCM  _____	JMG  _____

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MIAMI BEACH

AGENDA ITEM C2C
DATE 2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **REQUEST FOR APPROVAL TO PURCHASE TWO (2) 2006 ALTEC L42A OVER-CENTER AERIAL LIFT DEVICES WITH SERVICE BODY, FROM ALTEC INDUSTRIES INC, PURSUANT TO FEDERAL GENERAL SERVICES ADMINISTRATION CONTRACT NO. GS-30F-1028G, IN THE AMOUNT OF \$180,708.00.**

ADMINISTRATION RECOMMENDATION

Approve the purchase.

FUNDING

\$180,708.00 Funding is available from the Fleet Management Fund Capital Account Number 510-1780-000673.

ANALYSIS

These aerial lift devices are recommended to be purchased pursuant to Federal General Services Administration contract no GS-30F-1028G.

The two (2) Altec L42A aerial lift devices with service body are budgeted replacements and will be funded by the Fleet Management Fund Capital Account. They will be used on a daily basis to perform routine maintenance on the City of Miami Beach Street Light System. These trucks will provide the necessary reach to service all light poles within the City without causing traffic blockages unnecessarily.

Veh#	Dept.	Year	Make/Model	Mileage	Life To Date Maintenance	Condition
0603	0840	1997	Ford F-800	44,255	\$23,662.90	Fair
0685	0840	1998	Ford F-800	34,329	\$34,320.47	Fair

Criteria for replacement of vehicles are based on age, mileage, maintenance, engine hours (one engine hour idling = 35 miles), and overall condition of the vehicle. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.

All deadlined vehicles and equipment are used as a trade-in or sold at public auction. This process effectively reduces our cost of ownership and completes the vehicle life cycle.

The two (2) aerial lift devices currently in service will be used as a trade-in for \$13,000 each.

CONCLUSION

The Administration recommends that the City Commission approve the purchase of two (2) 2006 Altec L42A over-center aerial lift devices with service body, from Altec Industries Inc, pursuant to Federal General Services Administration Contract no. GS-30F-1028G, in the amount of \$180,708.00.


JMG/RCM/EB/GL/AET/jvd

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COMMISSION ITEM SUMMARY

Condensed Title:

Request For Approval To Purchase Four (4) Mercury Optimax Saltwater Engines, From The Mercury Marine Division, Pursuant to Florida State Contract No. 120-440-05-1, In The Amount Of \$35,834.00.

Key Intended Outcome Supported:

Increase resident ratings of public safety services.

Issue:

Shall the Mayor and City Commission approve the purchase?

Item Summary/Recommendation:

The four (4) Mercury Optimax Saltwater engines are budgeted replacements and will be funded by the Fleet Management Fund Capital Account. The engines will be installed on two (2) 2001 Contenders and will be used by the Police Department Marine Patrol Division to patrol the waterways and coastal waters of the City of Miami Beach, in the enforcement of boating ordinances, assisting the Police Department in their goal to increase the resident ratings of public safety services.

The Administration recommends approving the purchase.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1	\$35,834.00	510-1780-000673	
2			
3			
4			
Total	\$35,834.00		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Andrew E. Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AET  GL _____	RCM  _____	JMG  _____

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MIAMIBEACH

AGENDA ITEM C2D
DATE 2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **REQUEST FOR APPROVAL TO PURCHASE FOUR (4) MERCURY OPTIMAX SALTWATER ENGINES, FROM THE MERCURY MARINE DIVISION, PURSUANT TO FLORIDA STATE CONTRACT NO. 120-440-05-1, IN THE AMOUNT OF \$35,834.00.**

ADMINISTRATION RECOMMENDATION

Approve the purchase

FUNDING

\$35,834.00 Funding is available from the Fleet Management Fund Capital Account Number 510-1780-000673.

ANALYSIS

These saltwater engines are recommended to be purchased pursuant to Florida State Contract No. 120-440-05-1.

The four (4) Mercury Optimax Saltwater engines are budgeted replacements and will be funded by the Fleet Management Fund Capital Account. The engines will be installed on two (2) 2001 Contenders and will be used by the Police Department Marine Patrol Division to patrol the waterways and coastal waters of the City of Miami Beach, in the enforcement of boating ordinances, assisting the Police Department in their goal to increase the resident ratings of public safety services.

Veh#	Dept.	Year	Make/Model	Hours	Life To Date Maintenance	Condition
2902	1120	2003	Mercury 225XL	1550	\$4,711.81	Fair
2903	1120	2003	Mercury 225CXL	1550	\$4,711.81	Fair
2904	1120	2003	Mercury 225XL	1515	\$1,939.62	Fair
2905	1120	2003	Mercury 225CXL	1515	\$1,939.62	Fair

Criteria for replacement of equipment is based on age, mileage, maintenance, engine hours (one engine hour idling = 35 miles), and overall condition. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.

All deadlined vehicles and equipment are used as a trade-in or sold at public auction. This process effectively reduces our cost of ownership and completes the vehicle life cycle.

The old boat motors will be used as a trade-in and will cover the expense of new installation and rigging.

CONCLUSION

The Administration recommends that the City Commission approve the purchase of four (4) Mercury Optimax Saltwater engines from The Mercury Marine Division, in the amount of \$35,834.00, pursuant to Florida State Contract No. 120-440-05-1.



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **REFERRAL TO THE FINANCE AND CITYWIDE PROJECTS COMMITTEE REGARDING THE COLLINS AVENUE AND 13TH JOINT VENTURE PROPOSAL IN RESPONSE TO REQUEST FOR PROPOSALS NO. 20-97/98 ISSUED FOR THE DEVELOPMENT OF PUBLIC/PRIVATE PARKING FACILITIES IN MIAMI BEACH SOUTH OF DADE BOULEVARD IN 1997.**

ADMINISTRATION RECOMMENDATION

Refer the item.

ANALYSIS

The Collins Avenue and 13th Joint Venture Team initially comprised of Centre City Parking, Suchman Retail Group, Inc., Carr Smith Corradino, Turner Construction Company, Arva Parks and Company, Franyie Engineers, Inc., and Rosenberg Design Group or components thereof have purportedly maintained an interest to proceed with their proposed project. The Suchman Retail Group has long maintained that their proposal "The Collins and 13th Joint Venture" has standing in regards to the competitive bidding process that took place in the summer of 1998.

On July 15, 1998, the Mayor and Commission initially approved a recommendation to enter into negotiations with the top five ranked firms, of which, the Collins and 13th Joint Venture Proposal was the fifth ranked firm. However, later in the day during that same meeting, the Mayor and Commission reconsidered the item and their approval was amended to authorize the Administration to enter into negotiations with the top **three** ranked firms, effectively excluding the fourth and fifth ranked proposals (Municipal Parking Systems - 17th Street - Lincoln Lane; Jefferson & Michigan Avenue (4th) and Collins and 13th Joint Venture (5th) from negotiations.

The Suchman Retail Group has steadfastly maintained that they are a willing partner and that their proposal has standing. Recently the Suchman Retail Group contacted the City to again try to convince the City to pursue the joint venture. At this time the Administration, pursuant to Commission direction, is developing other parking joint venture opportunities in other locations.

Should the City Commission direct the Administration to consider this location, it would be advisable to re-issue an RFP given the age of the proposals (almost 9 years) and the significant change in the City's business climate.

JMG/TH/SF

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Agenda Item C44
Date 2-8-06

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**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE GONZALEZ
CITY MANAGER**

FROM: JERRY LIBBIN *JL/sm*
COMMISSIONER

DATE: JANUARY 27, 2006

RE: FEBRUARY 8, 2006 COMMISSION AGENDA ITEM

Please place the following item on the February 8th Commission consent agenda. A referral to the next regularly scheduled Neighborhoods/Community Affairs committee a discussion of location of lifeguard stands on the most crowded portions of our beaches.

If you have any questions or comments, please feel free to contact my secretary, Sandra Meyer at x 6765.

JL/sm

Agenda Item CYB
Date 2-8-06

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: February 8, 2006

SUBJECT: **REPORT OF THE GENERAL OBLIGATION BOND OVERSIGHT COMMITTEE MEETING ON JANUARY 9, 2006**

The General Obligation Bond Oversight Committee ("Committee") met on January 9, 2006. At the meeting, the Committee considered the following issues.

The Committee reviewed and accepted the minutes from the December 5, 2005 General Obligation Bond Oversight Committee meeting; with the exception that Amy Rabin inquired about the unpleasant odor at Pump Station at 26th Street, not Christina Cuervo; as noted.

CONTINGENCY REPORT

The Administration discussed Change Order #2 for Lummus Park Phase II in the amount of \$16,761.04. The Administration advised that the project was now closer to 100% complete, not 80% as stated, adding that the Building Department inspection was complete and FPL certificate was received last week.

DISCUSSION ITEMS

A. Annual Report:

The Administration advised that it did not complete the 2006 Annual Report, to include activity of GO Bond projects and expected timelines, but would finish it for the February meeting.

The Committee suggested that the Administration simply provide a draft with all necessary data, and the Committee will produce the final report and present it to the Commission.

B. Botanical Garden:

The Executive Director of the Botanical Garden inquired to the South Beach Representative regarding the status of the Botanical Garden; thereby adding this as a discussion item.

The Committee expressed concern because the project was not listed in the Capital Budget.

The Administration explained that if the project was planned in a prior fiscal year and no changes had been made to the project's budget the following fiscal year(s), it would not be republished; such was the case with the Botanical Garden project. The Administration continued to explain that the project is behind schedule, but still planned. The contractor's proposal was over budget, so the Consultant was asked to revisit the project within the

Agenda Item

CGA

Date

2-8-06

budget limits. Consultant fees are also being renegotiated. The Administration stated that it had advised the Executive Director the same and encouraged one's patience while the revised plan is being developed.

PROJECT STATUS REPORT

The Administration advised the Committee that progress continues at **Fire Station No. 2**; adding that the roof on the third floor is complete, interior walls are being installed and installations within the building are in progress. It is currently 60% complete, with a late spring substantial completion.

Fire Station No. 4 is even further along than **Fire Station No. 2**, the Administration informed the Committee, adding that a lot more work inside such as mechanical, electrical and plumbing has occurred. The Administration noted that the project is 65% complete at this time, with substantial completion by spring; adding that within the summer, both stations will be complete.

The Committee noted that the original completion date for Fire Station No. 4 was to be February 2006. The Committee asked for a definition of the term "substantially complete."

The Administration acknowledged that the completion date did change. The Administration explained that there are two phases one goes through when they complete a project. "Substantially complete" refers to an obligation of the architect to analyze the construction, confirm that it is near completion and that the elements planned have been installed and are in compliance within the documents, and to develop a "punch list" of items that need to be corrected or completed. Finally if one believes that the building can be occupied for its intended use, the architect will sign and seal the as-built construction documents. The other stage is the issuance of a Certificate of Occupancy by the Building Official, which is a regulatory process and is subject to compliance with all applicable codes.

The committee asked if the Firefighters could occupy the building before the next hurricane, noting that they are now housed in trailers. The Administration said "yes."

The Administration advised that issues with previous installations of the pool portion at **Normandy Isle Park and Pool** continue to delay its completion. The building however, is moving forward with electrical and plumbing installations. The park portion's fence is 95% complete, the slab has been poured for the walkways and multi-purpose court, and the field's irrigation is complete and now awaits sod.

A discussion continued between the Committee and Administration as to what needed to be done to complete the project, including the pool in time for summer recess. The Committee stressed the importance of having the pool completed in time for summer. The Administration advised they are making every effort to facilitate communication between the Program Manager, Contractor and Building Inspectors to keep the project moving forward. The Committee suggested that the Director of Parks & Recreation Department, Kevin Smith, attend one of the upcoming meetings to address the plan to utilize each component of the park as they are completed. The Administration agreed to invite Kevin Smith to one of the upcoming meetings.

INFORMATIONAL ITEMS

The updated Calendar of Scheduled Community Meetings was presented and reviewed.

The Committee asked for clarification of the acronyms used, specifically "CDRM". The Administration apologized and explained that "CDRM" means "Community Design Review Meeting." The Administration explained that when the GO and neighborhood projects began, they made several commitments to the Community, to include the Basis of Design Reports, or "BODR." Furthermore, they made another commitment to bring back the documents during the development process to the Community at least twice, at 60% and 90% as "CDRMs," in order to show that what was promised in the BODR has been implemented.

The Committee stressed the importance of these meetings and understanding that the CDRM meetings are the Community's last chance to provide input to the design. The Administration explained that the meeting dates are published and letters are sent to the residents; as well as such information being posted on the City's website. The Administration read the upcoming meetings to the Committee.

The Committee inquired about the Drexel Avenue portion of the Flamingo project. The Administration informed the Committee that a new design had been submitted by the Consultant based on previous meetings and as soon as the Administration accepts it, it will be presented to the Community within a month. The Committee asked how the encroachments were addressed with respect to the sidewalks. The Administration advised that the sidewalks were not too wide, approximately five to six feet; adding that additional islands have been included between parking spaces to provide more landscaping.

The Committee asked when the Commission meeting will be able to elect new Community Representatives.

The Committee was advised of the Flamingo Park planning meeting at 945 Pennsylvania Avenue this evening.

The Committee discussed upcoming issues at the next Commission meeting to include undergrounding of utilities and the South Pointe Park Basis of Design Report with respect to dog-friendly portions including access to salt water.

The Committee expressed an interest to present the projects in a more logical way, either geographic or in terms of completion schedule. The Committee pointed out that Lummus Park and oceanfront project status appear to not have been updated since June or July. The Administration stated that negotiations for oceanfront projects did take some time to complete. The Committee stated that they would like to know the details of such delays, when they take place.

The Committee suggested covering one geographic region each quarter, or at a minimum, twice a year; by committing fifteen minutes per meeting, adding that further distinctions should be made within region based upon the phase at which they fall in completion.

The Committee and Administration had a discussion regarding how priorities are set regarding project rollout and what impedes their progress, such as input regarding drainage enhancements, and other add-ons.

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission
FROM: City Manager Jorge M. Gonzalez
DATE: February 8, 2006 *JM*
SUBJECT: **REPORT OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE
(COMMITTEE) MEETING OF JANUARY 19, 2006.**

OLD BUSINESS

1. Discussion regarding public benefits offered by the Miami City Ballet to residents of the City of Miami Beach.

ACTION

The Committee moved the item to the full Commission recommending the addition of the proposed public benefits, offered by the Miami City Ballet to the Term Sheet.

Chief Financial Officer Patricia D. Walker introduced the item. Ms. Walker summarized the proposed public benefits being offered by the Miami City Ballet (Ballet). Ballet Executive Director Pamela Gardner addressed the committee and outlined the proposed public benefits being offered to the City by the Ballet. Chairman Saul Gross recommended that the public benefits proposed or currently offered by the Ballet to the City should be incorporated into the term sheet.

Ms. Walker and Ms. Gardner stated that the negotiated public benefits will be incorporated into the term sheet.

Ms. Gardner outlined the public benefits offered by the Ballet as follows:

- 100 free tickets to each of its performance series (program 1-4 and The Nutcracker) at the Miami Performing Arts Center (PAC) will be donated to Miami Beach-based charitable organizations that serve children and seniors;
- The launching of a new Contemporary Dance Series exclusive to the City of Miami Beach;
- It will produce at least one Young People's Program for children and families;
- MB (My Beach / My Ballet) days at the ballet where Miami Beach Residents attend a rehearsal in the studios;
- Free attendance to a rehearsal for the school's annual student showcase program;
- The school of the ballet will award at least ten financial scholarships to talented children with financial need who are residents of the beach; and

Agenda Item CGB
Date 2-8-06

- Art students (music, dance, visual arts, etc.) enrolled at Miami Beach High School may sign up for a free studio rehearsal.

Ms. Gabrielle Redfern addressed the Committee and suggested that the City require additional public benefits such as: half price discounts for Miami Beach residents and free admission for Miami Beach children and seniors.

Ms. Walker stated that the Ballet will be required to be financially self sustaining if it is to continue performing at the MPAC; if not, it will be required to move MPAC performances to the Jackie Gleason Theatre of the Performing Arts, if available, and if not, maintain the performances that require a larger stage at MPAC and bring the smaller more intimate programs to Miami Beach venues.

The committee unanimously approved adding the proposed public benefits, offered by the Miami City Ballet to the residents of the City of Miami Beach, to the proposed Term Sheet.

NEW BUSINESS

2. Discussion regarding Architectural and Engineering (A/E) additional services for Construction Administration.

ACTION

The Committee instructed the Administration to schedule a Commission Workshop on February 15, 2006 in order to discuss the City's Capital Improvement Program.

Capital Improvement Program (CIP) Director Jorge E. Chartrand introduced and summarized the item. Mr. Chartrand explained the methods for procurement of A/E and construction contracts, general standards in the industry for awarding additional services to A/E's, and the reasoning behind project management layers in the City.

Chairman Saul Gross stated that he would like to discuss the impact of time delays that are caused by problems in the field, contractors and staffing issues. Mr. Chartrand briefed the Committee on recruitment efforts, currently underway by the City, to fill professional vacancies in the CIP Office. He further added that as a result of current market conditions, there have been delays in these recruitment efforts because of the high labor demand for qualified professionals with the expertise needed in the construction field. He further stated that the salaries offered by the City were not competitive to what the job market in the private/ public sector was willing to pay for the same qualified individuals.

Chairman Saul Gross questioned the new ordinance that was adopted at the last Commission Meeting giving the City Manager the ability to pay 20% above the maximum pay range. Assistant City Manager Tim Hemstreet stated that this would cause internal equity issues with current employees that are now working for the City's CIP office.

Chairman Saul Gross asked how many vacancies are there currently in the CIP office. Mr. Chartrand stated that there were seven open positions. Commissioner Matti Bower commented that the office was half staffed.

Chairman Saul Gross stated that the volume has increased from \$300 million to \$500 million and asked what was the plan to get the projects up to date. Mr. Chartrand stated

that one of the things done recently is to hire personnel from URS as well as Hazen and Sawyer that the commission recently approved. He further stated that he was still in the process of negotiating salary with a new candidate to bring him on board as new employee.

Commissioner Matti Bower questioned if you are able to get the same work out with seven employees as if you were fully staffed. Mr. Chartrand stated that the employees are doing the best they can but that he was not going to deny that small things are falling behind. Mr. Hemstreet stated when you are short staffed you put your resources into construction because that is where your biggest liability is, as well as 80 to 90% percent of where the money is going. He further stated that the projects that suffer are those further back in the planning and zoning phase of construction.

Commissioner Matti Bower asked if we should look at our schedule of CIP projects and take into consideration how long these positions have been empty and how long they will take to fill the vacant positions. Mr. Chartrand stated that four of those positions were added in this year's budget, while the remainders of the positions have been empty for quite some time.

Commissioner Matti Bower asked how long it will take to fill the vacant positions. Mr. Chartrand stated that he was currently in negotiations with two candidates and that he feels confident he can hire them. He further stated that if for any reason he cannot hire these candidates it will take several months to fill the positions.

Commissioner Jerry Libbin stated that you should spend the money you have to spend to get the projects moving. He further stated we should try to structure it so that these terms expire at the end of G.O. bond project. Chairman Saul Gross stated that these are seven year projects that still have seven years before the projects are completed. He further stated he was concerned in bridging the money gap with a second G.O. bond. Mr. Chartrand stated that what he was trying to do with Hazen and Sawyer and URS is to address part of the need with contract employees. Chairman Saul Gross stated that the cost of the employees being contracted through URS was much higher than if the City hired the employee directly. Vice Chairman Richard Steinberg stated that we should deal with the equity issue and instead of paying Hazen and Sawyer we should raise the salaries of the employees we currently have on staff or risk losing them to the private/ public sector. He further stated that by doing this we should be able to fill our vacant positions and get our projects moving on time.

Commissioner Jerry Libbin stated it is more expensive in the short run not to mention the long run to have the cost escalate as the projects stall. He further stated that we are building up frustration in the community as these projects are not being done in a timely manner. Mr. Hemstreet stated that the reason for the lag in the schedule for projects is because the City virtually doubled the amount of money that was put into underground infrastructure and this lengthened the design time necessary to complete the project.

Chairman Saul Gross stated that there are currently 117 projects being handled by a staff of seven people. He further stated you could not do more than you can do. He also stated that maybe we should put some projects on hold and prioritize others. Mr. Chartrand stated that he does not see how you can prioritize the projects seeing that he feels that they are all important.

Commissioner Jerry Libbin asked CIP to prepare an analysis of the cost to staff up to the levels where we feel we need to be to get the projects moving on a timely basis. He further stated that it will probably cost more money delaying the project than hiring the

necessary staff. Mr. Leonard Wien formerly of the G.O. Bond Oversight Committee stated that maybe the City had lost sight of the ball. He further stated that he would do several things to correct the problem. He stated that if you could not hire additional staff to work for the City you should work with Hazen and Sawyer and URS to see how to move the projects forward. Mr. Wien further states that while it cost you more in the short term you will make it up in the long run. He further states you will also be creating goodwill among the citizens.

Mr. Chartrand stated that this has to be a combined effort between all parties involved to put together a program that can move forward. He further stated that it does require staffing.

Chairman Saul Gross stated that from the write up he sees that the CIP office is in favor of design build whenever appropriate because it is less taxing on staff. Additionally, he wanted to know what opportunities there were to convert neighborhood projects that are ongoing to design build. Mr. Chartrand stated there they are currently exploring the opportunity of converting other projects to design build. He further stated that there are currently three projects where design build is being done which are the restrooms for the beach, the clubhouse for the golf course and Nautilus neighborhood. Chairman Saul Gross stated design build is the way to go because it relieves you of the obligations to have as much staffing in house and is more harmonious.

The Committee instructed the Administration to schedule a Commission Workshop on February 15, 2006 in order to discuss the City's Capital Improvement Program.

3. Discussion item regarding policy and criteria for the distribution of Pay-As-You-Go Capital Funds.

ACTION

Item Deferred.

4. Discussion regarding an effort to create work force housing in Miami Beach.

ACTION

The Committee recommended opposing both the Saunders bill and Haridopolis bill and schedule the item for further discussion at the next meeting.

Economic Development Division Director Kevin Crowder introduced and summarized the item which was referred from the December 7, 2005 City Commission meeting regarding work force housing. Chairman Saul Gross asked if this is in relation to the homestead exemption or the tax increase.

City Manager Jorge M. Gonzalez stated that this is the difference between the adjusted value and the assessed value for tax purposes that homeowners accrue over a period of years. He further stated that there are currently eight resolutions filed in the Florida Legislature related to homestead exemption that deal with portability issues.

Commissioner Jerry Libbin stated that he wants to address two problems that he sees in our community and throughout our country. One problem is when people have owned a homesteaded property for any length of time though they have great equity, upon selling it and buying a new property they are going to be faced with a huge increase in real estate taxes. He further stated his idea is to address this issue and take people out of

what he considers a house trap.

The second problem is the work force housing issue. He warned that any city that does not begin to aggressively address this issue will start a downward spiral. He further stated that it is getting harder to find affordable housing within cities. Due to people having to commute further distances to get to work he believes that this makes it more difficult to hire quality employees.

Commissioner Jerry Libbin suggested that the solution to the house trap and work force housing shortage is to amend the State Constitution to provide for a transfer of tax basis on homesteaded properties and provide that any increase in property tax based on a new purchase be capped at no more than 25% of what the increase would have been otherwise. He further suggested that half of that additional amount be used to assist in the implementation of workforce housing program which may assist individuals who meet certain criteria; the other half of the 25% increase would be kept by the taxing jurisdictions. Commissioner Jerry Libbin stated that his goal is to get people to live near where they work.

The Committee discussed at length several scenarios and Commissioner Jerry Libbin gave specific examples as to how to apply his proposal. City Manager Jorge M. Gonzalez stated that the City has done some preliminary studies and given that the City has only thirty percent homesteaded properties our tax revenue from year to year is impacted heavily by turnover. So when looking at the expenditure and revenue trends going forward, about two thirds of our tax growth is from resale and one third is from new construction. He further stated that if the homesteaded properties went up from 30% to 50% based on preliminary numbers it is estimated that the negative impact on the City's budget would be \$20 million dollars.

Commissioner Jerry Libbin stated that social issues are more important than the economic issues. He further stated that one of the consequences if this does not change is that the workforce will not be able to afford to live in the City to provide the services required by our service oriented community.

City Manager Jorge M. Gonzalez stated that it might be better to earmark a line item in the budget for workforce housing. He stated it might provide more money than what might be generated through the plan being presented.

Chairman Saul Gross stated that there are two issues that have been discussed: one is the house trap, and the other is the issue of workforce housing. He further states that the problem in the City is how to encourage workforce housing and where in the City it should be located. He also states that if there is a compelling argument that he is sure the funding can be acquired.

Mr. Crowder stated that currently there are three different pieces of legislation filed in Tallahassee and went into a detail as to how they will affect City.

Commissioner Jerry Libbin stated that the proposal that is before the committee is better than the alternate proposals that are in Tallahassee. He further stated that the median income is around \$46,000, which gives you the ability to afford a property of around \$180,000.

Mr. Crowder went into a discussion regarding various scenarios and how the effect of portability would affect the tax roll based on the assessed values of the homes. The Committee discussed at length the various scenarios and how it would affect the City.

City Manager Jorge M. Gonzalez stated that the City should take a position against the current proposed legislation in Tallahassee and have the ability to negotiate the percentages that are being discussed to have some movement.

Chairman Saul Gross stated that he would like to see the workforce housing model. Commissioner Jerry Libbin stated that when he was running for office he went to the developers and asked if they were allowed to put one more floor on the building if they would donate the money of the proceeds from the additional floor to work force housing and the builders agreed.

The Committee further discussed the issue mentioning several ways of funding the concept such as increased taxes, laws that regulate the amount landlords can charge for rent, and subsidies. Assistant City Manager Hilda Fernandez summarized the various proposed legislation that is being presented to Tallahassee - The Haridopolos Bill, Saunders Bill and the Ryan Bill.

Chairman Saul Gross stated that the City would oppose both the Saunders bill and Haridopolis bill and schedule the item for further discussion at the next meeting.

5. Discussion regarding the Carrfour Project at Meridian and 5th Street

ACTION

The committee unanimously approved the funding of the Carrfour project, provided that they update the budget and are still in compliance with the terms of their agreement.

First Assistant City Attorney Gary Held stated that during the Planning Board meeting in December 20, 2005 Carrfour applied for a conditional use approval for a project located at 530 Meridian Avenue which was denied. Shortly thereafter a Fair Housing Discrimination claim against the City was filed with the U.S. Department of Housing and Urban Development (HUD). He further clarified that the complaint is not perfected until we are served by HUD and that they are in the process of reviewing it.

Chairman Saul Gross asked why the Carrfour project was rejected by the Planning Board.

Planning Director Jorge Gomez stated that Carrfour applied to operate the facility located at 530 Meridian Avenue as an Adult Congregate Living Facility "ACLF," which allows the units to be smaller than the average room size of those in the City. He further stated that there is a cap of 2000 units which can be 200 square feet in size. He also stated the way the rooms were reconfigured by the architect they were going to have connecting doors reducing the number of units from 70 to 35; they also wanted to provide personal services. He further stated by doing this they would not need the variance previously issued to them on June 7, 2002. As an additional condition, guests would not be permitted to stay on a permanent basis at this facility, but would be permitted to enter into one six-month lease and no more than a six month lease thereafter. He further stated that by doing this it would remove the restriction of the transient occupancy and personal services. Mr. Held stated that there were two reasons for the application that Carrfour submitted to the planning board for ACLF; one was to allow reduced unit size and the other to provide on-site services.

Commissioner Matti Bower asked why the variance disappeared for temporary housing.

Mr. Jorge Gomez stated that the variance was relative to the hotel unit size that was granted by the Board of Adjustment. Mr. Held stated that there were multiple reasons why the application was turned down. He further stated that they have been in contact with Carrfour or their representative and the matter will be brought back to the Planning Board for discussion in January 24, 2006 meeting for possible reconsideration, which would be re-advertised for the February meeting. Mr. Held further stated that, during the discussions in the December 20, 2005 Planning Board meeting, there were certain design concerns expressed with relation to the adequacy of the room size and the common area requirements as they relate to the City Code. The Planning Board concluded that there was insufficient space provided which may result in overcrowding. Mr. Held also stated that there were possible design solutions that can address the concern.

Commissioner Matti Bower asked why this issue has been brought to the Committee.

Commissioner Luis R. Garcia Jr. stated that he referred the item because he believes the project does not have the ability to be completed. He further stated that he was concerned because the rules for the housing projects from the north were not the same as those in the south, therefore giving Carrfour the ability to sue the City and that this item should be brought to the full Commission. Commissioner Garcia further stated that he would like the ability to bring this matter up at the next Commission Meeting.

Chairman Gross and Commissioner Bower acknowledged their support for the project. Chairman Gross stated that he wants to see the project go ahead but he wants to make sure the project fits within the neighborhood and Commissioner Bower stated that maybe the project should have more common space for the people that live there. Mr. Held stated that the City has reviewed a plan that reflects increased common area but Carrfour may have a problem with their funding source if they do not maintain their unit count. He further stated that this plan addresses both of these issues. Commissioner Bower stated that she believes the project is needed.

Commissioner Garcia stated that he believes that there are issues that pertain to fire safety. He further stated that this hotel was never intended to be an apartment building. Chairman Gross stated that since Commissioner Garcia is a former Fire Chief that his concerns should be addressed and the plans reviewed. Commissioner Garcia stated that due to the remodeling, the fifty percent rule should apply. Chairman Saul Gross asked if the building is considered a historic building. Mr. Jorge Gomez stated that the building is a contributing building within the historic district.

Commissioner Garcia stated that another reason the project has been turned down is that the Chairman of the Planning Board is complaining about the concentration of facilities. He further stated that due to the impending law suit he would like to sit with the City's Legal department and the Planning department to further review the tapes of the last Planning Board meeting. Commissioner Garcia stated since Carrfour has been stagnant in construction for several months that maybe the City can put the money allotted to them to a better use.

Chairman Saul Gross asked if the money has been allocated. Assistant City Manager Hilda Fernandez stated that the money has been allocated to the Carrfour project which is a \$2.5 million dollar project, but that about \$1.9 million dollars have not been allocated including the City's \$309,469. She further stated our money is still being held pending a resolution of the application. Commissioner Jerry Libbin asked if there really is sufficient funding in place from all sources to cover the cost of the project. Ms. Fernandez stated

that Carrfour received a total of almost \$2.7 million dollars in funding for rehabilitation and service delivery cost. She further stated that based on the budget Carrfour submitted when requesting funds that it should be sufficient. She further stated that if it was the will of the Commission to further fund the project that the City should request an updated budget before funds are disbursed.

Chairman Saul Gross stated that since Commissioner Luis R. Garcia Jr. brought the item to the Committee that he is entitled to a vote on his recommendation to have the City Attorney look at the termination provisions to see if there is a way of not having to fund the project.

Commissioner Luis R. Garcia Jr. stated that his concern is that Carrfour is not living up to their contractual obligations.

The Committee unanimously approved funding for the Carrfour project, provided that they update the budget and are still in compliance with the terms of their agreement.

6. Discussion regarding the Jewish Museum's requests for \$500,000, in the form of a grant from the City of Miami Beach, to help fund the renovation of their recently acquired building.

ACTION

The Committee moved the item to the full Commission recommending the City award the Jewish Museum of Florida a \$500,000 capital funding assistance grant.

Assistant City Manager Hilda Fernandez introduced and summarized the item, indicating that the Museum has requested \$500,000 in capital funding assistance from the City to assist with its capital improvements expansion project.

Ms. Fernandez added that the Administration recommends funding the museum for up to \$500,000 of the renovation costs of the 311 building in a similar fashion as the City funded the Wolfsonian FIU. She further stated that while the Administration is supportive of assisting the Museum, a funding source has yet to be identified.

Jewish Museum Executive Director Marcia Zerivitz gave a presentation to the Committee outlining the Museum's capital improvement expansion project. Ms. Zerivitz also stated that the \$500,000 funding request would be a component of the \$5.5 million master planned project. Further, she stated that for the third time in two months the Museum has been mentioned in the New York Times as a cultural site to visit. She also added that as a result of the expansion project, the Museum will triple its exhibition space and be able to draw more people to their establishment and to the City of Miami Beach.

Commissioner Jerry Libbin stated that he was impressed with the fact that the Museum, a non-profit entity, has never been in deficit and operates in a fiscally responsible manner. Ms. Zerivitz stated that they consistently monitor their cash flow and as policy for every dollar contributed \$.20 goes to construction \$.40 goes to operations and \$.40 goes to endowment.

Commissioner Matti Bower asked Ms. Zerivitz what types of public benefits the Museum currently offers the residents of Miami Beach. Commissioner Bower suggested that there should be a reduced resident fee or similar public benefits. Ms. Zerivitz concurred and indicated she would look into it.

Commissioner Garcia stated that the Museum is an institution that protects "our history." Commissioner Garcia was also in favor of providing funding assistance for the Museum.

The Committee asked the Administration where funding for the museum could be provided from and if the project would be eligible for South Pointe Capital Funds. Budget and Performance Improvement Director Kathie Brooks stated that funding from South Pointe has already been allocated for area projects and a subsequent funding source would have to be located.

The Committee moved the item to the full Commission recommending the City award the Jewish Museum of Florida a \$500,000 capital funding assistance grant.

JMG/PDW/rs/mm

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Condensed Title:

City Commission appropriation of funds, in the amount of \$167,980, for the Perkins & Will Agreement for the Municipal Multipurpose Parking Garage, for additional services required for the expanded Project scope.

Key Intended Outcome Supported:

To ensure well designed quality capital projects.

Issue:

Should the City Commission adopt the Resolution and appropriate funds?


Item Summary/Recommendation:

On April 14, 2004 The Mayor and City Commission authorized the execution of an Agreement with the firm of Perkins & Will, Inc. (P&W) for Architectural and Engineering services to provide design, permitting and construction administration for the Municipal Multipurpose Parking Garage Project (the Project). The original Agreement was awarded and executed for an amount of \$1,200,788 for the design of a 480 parking spaces garage and for twenty thousand square feet of office space (Option One). In the event that during the planning and community process the process were to expand to a 600 parking spaces parking garage and a maximum of fifty thousand square feet office space, the City negotiated, in advance, a fee for the expansion. The fee for the expanded facility was established as \$1,368,788 (Option Two). The planning process did yield an expanded project and the larger facility was approved when the Basis of Design Report was presented to the City Commission on May 18, 2005. Pursuant to Article 7, Compensation for Services, of the Agreement, the additional fees for the expanded Project scope were already negotiated and included in the Agreement (Attachment 3). Therefore, the Administration requests the additional appropriation, in the amount of \$167,980, required for the expanded scope which was not originally appropriated when the Agreement was approved and the contract awarded to P&W.

Advisory Board Recommendation:

N/A

Financial Information:

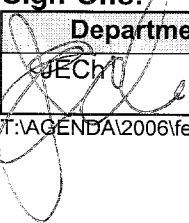

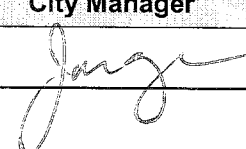
Source of Funds:		Amount	Account	Approved
 OBPI	1	\$167,980	Parking Enterprise Funds	
	2			
	3			
	4			
	Total	\$167,980		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Jorge E. Chartrand, CIP Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING FUNDS, FROM PARKING ENTERPRISE FUNDS, FOR THE AGREEMENT WITH PERKINS & WILL, INC., IN THE AMOUNT OF \$167,980, FOR ADDITIONAL SERVICES FOR THE MUNICIPAL MULTIPURPOSE PARKING GARAGE PROJECT, IN ACCORDANCE WITH THE PREVIOUS COMMISSION APPROVAL, IN THE EVENT THAT THE PROJECT EXPANDED DUE TO THE PLANNING AND COMMUNITY PROCESS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

Funding is available from Parking Enterprise Funds.

ANALYSIS

On April 14, 2004 The Mayor and City Commission authorized the execution of an Agreement with the firm of Perkins & Will, Inc. (P&W) for Architectural and Engineering services to provide design, permitting and construction administration for the Municipal Multipurpose Parking Garage Project (the Project). The original Agreement was awarded and executed for an amount of \$1,200,788 for the design of a 480 parking spaces garage and for twenty thousand square feet of office space (Option One) (Attachment 1).

In the event that during the planning and community process the Project were to expand to a 600 parking spaces parking garage and a maximum of fifty thousand square feet office space, the City negotiated, in advance, a fee for the expansion. The fee for the expanded facility was established as \$1,368,788 (Option Two) (Attachment 2).

The planning process did yield an expanded project and the larger facility was approved when the Basis of Design Report was presented to the City Commission on May 18, 2005.

CONCLUSION

Pursuant to Article 7, Compensation for Services, of the Agreement, the additional fees for the expanded Project scope were already negotiated and included in the Agreement (Attachment 3). Therefore, the Administration requests the additional appropriation, in the amount of \$167,980, required for the expanded scope which was not originally appropriated when the Agreement was approved and the contract awarded to P&W.

Attachments

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City Commission Memorandum

April 14, 2004

Award of Multi-purpose Municipal Parking Facility AE Services to Perkins and Will

Page 2 of 3

Municipal Multipurpose Parking Facility must be built and completed, or an alternate acceptable replacement parking location must be identified, prior to NWS's commencement of project construction. The current schedule calls for substantial completion of the MMPF by November 2007 and final completion by February 2008.

On September 10, 2003, the City Commission authorized the issuance of a Request for Qualifications (RFQ) No. 69-02/03 for Architectural, Engineering, Design, and Construction Administration Services needed to Plan, Design, and Construct a Multipurpose Municipal Parking Facility on the current site of the City Hall Surface Parking Lot. The RFQ was issued on September 29, 2003 and 13 proposals were received by the October 31, 2003 response deadline. An Evaluation Committee appointed by the City Manager met twice to review and rank the RFQ responses and subsequently ranked Zyscovich Inc. first and Perkins and Will second. The City Manager exercised his due diligence and reviewed the proposals submitted by Zyscovich and Perkins & Will, as well as copies of their respective presentations, and the results of the reference checks conducted by the Procurement Division and URS. It was evident from the documentation reviewed that both firms were equally competent and qualified to perform the services required for this project.

Since the selection of the most qualified Architectural and Engineering firm is governed by the Consultants' Competitive Negotiation Act (CCNA), Section 287.055, Florida Statutes, the City Manager must also consider the volume of work previously awarded by the City, to ensure an equitable distribution of City projects. Inasmuch as Perkins & Will has not previously been awarded a City contract, and considering the experience and qualifications of the Perkins & Will team, the City Manager recommended Perkins & Will as the top ranked firm. At their meeting on February 4, 2004, the City Commission approved Resolution 2004-25479 authorizing the Administration to negotiate with Perkins and Will to set fees for the required professional services.

City and URS Program Management staff met three times with Perkins and Will to negotiate the project scope and fee. The exact number of parking spaces and amount of retail/office square footage in the project will not be determined until the project planning phase has been completed. Perkins and Will's fee for construction design and administration varies depending on these two variables. Staff considered negotiating only the planning phase fee at this time. However, this option was rejected as it would require a second fee negotiation and approval period which could delay the project. In an effort to keep the project on its ambitious implementation schedule, staff negotiated two fee options.

Option One (Exhibit A) provides for a professional services fee of \$1,073,806 (including \$57,000 in reimbursables) based on a project with 480 parking spaces, 20,000 square feet of office/retail, a pedestrian bridge to City Hall, and required site improvements and utility extensions with an approximate construction cost of \$9,085,250 (Exhibit B). This scope of work, which is detailed in Attachment A, is consistent with the intent of the project RFQ. Option Two (Exhibit C) provides for a professional services fee of \$1,241,786 (including \$57,000 in reimbursables) based on a project with 600 parking spaces, 50,000 square feet of office/retail, a pedestrian bridge, and site and utility improvements with an approximate

City Commission Memorandum

April 14, 2004

Award of Multi-purpose Municipal Parking Facility AE Services to Perkins and Will

Page 3 of 3

construction cost of \$14,761,250 (Exhibit D). This scope of work is consistent with the maximum build out of the project as described in the project RFQ.

In addition to the design fee, staff negotiated a traffic consultant fee of \$52,685 (Exhibit E), a cost estimator's fee of \$37,864 (Exhibit F), and a fee of \$36,433 (Exhibit G) for the planning of Meridian Avenue improvements which will be implemented as part of the project. The design fee for the latter project element will be negotiated once the scope of work is defined in the planning process; this two-step negotiation process for the streetscape improvements will not delay progress on the facility itself. With all of these associated costs included, the total Perkins and Will fee would be \$1,200,788 for Option One and \$1,368,768 for Option Two.

In addition to Perkins and Will's fees for professional services for this project, the Commission has previously approved \$1,003,882 for program management services to be provided by URS Corporation for the project. There is also a need to fund the City's own project management for the project which is provided by the CIP Office. The CIP management charge is typically 3.3% of the construction budget which for this project would amount to \$299,813. This funding needs to be appropriated along with the total Perkins and Will fee of \$1,200,788 for a total appropriation of \$1,500,601. Funding in this amount is available from the Parking Enterprise Fund.

CONCLUSION:

The Administration recommends that the Commission approve the Option One agreement with Perkins and Will in the amount of \$1,200,788 and appropriate funding for this amount and the associated \$299,813 for CIP Office management costs from the Parking Enterprise Fund. If it is determined during the planning process that the number of parking spaces and square footage needs to be increased, an additional services agreement will be negotiated with Perkins and Will based on fees already established for the upper project scope limit defined in Option Two.

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY

**Condensed Title:**

A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR) For The Multi-Purpose Municipal Parking Facility (MPMPF).

Issue:

Shall the Mayor and City Commission approve and officially adopt the Basis Design Report (BODR) for the Multi-Purpose Municipal Parking Facility (MPMPF)?

Item Summary/Recommendation:

On September 10, 2003, the Mayor and City Commission approved Resolution No. 2003-25332 authorizing the execution of a Development Agreement between the City of Miami Beach and the New World Symphony (NWS) for the development of a portion of the 17th Street surface parking lot for construction of an approximately 50,000 square foot educational, performance and internet broadcast facility with an exterior screen ("Soundspace"), and an approximately 320-space (+/-) public parking garage facility. In approving the execution of the Agreement, the Commission also directed that the Administration should proceed with developing a new Multi-purpose Municipal Parking Facility (MPMPF) on the site of the current City Hall surface lot. Throughout the negotiations with the NWS, the Administration has consistently stated that replacement parking must be built before displacement of either 17th Street surface parking lot. The MPMPF must be built and completed, or an alternate acceptable replacement parking location must be identified, prior to NWS's commencement of project construction.

On April 14, 2004, the City Commission approved Resolution No. 2004-25543 authorizing the execution of an agreement with Perkins and Will, Inc. for the provision of Planning, Architecture, Landscape Architecture, and Engineering Services required to design and construct the MPMPF project. At the time of the award, the City chose to define the scope of the project based on a project with 480 parking spaces, 20,000 square feet of office/retail space, a pedestrian bridge to City Hall, and required site improvements and utility extensions with an approximate construction cost of \$9,085,250. Also included in the scope is the planning of Meridian Avenue improvements, which will be implemented as part of the project.

A "Visioning" Session with the City departments was held to establish a list of desired design components to be included in the facility. Three design options were presented at a Community Design Workshop (CDW) on February 10, 2005. The consensus among the Community was for a facility that maximized the number of parking spaces and provided enhanced hardscape and landscape. A draft BODR was issued and reviewed by the City departments. The major comment provided by the Administration was that additional office space was needed, which could be incorporated by adding an additional floor to the office building. The additional office space would allow relocation of the City departments as the need arises. This last change was recommended after considering the financial advantages of incorporating the additional space into the new MPMPF versus looking for alternate space. Office space, whether purchased or newly constructed in an independent building, has an average cost over \$200 per square foot. By including additional office space in the MPMPF, the average cost to construct the office space is approximately \$115 per square foot. An additional level of parking for public use only can also be added and funded by City Center RDA funds (estimated at approximately \$1.7 million, including soft costs). The estimated construction cost for this facility is approximately \$13.8 million.

The Administration recommends the approval and adoption of the Basis of Design Report with the additional parking level and additional office space.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
Finance Dept.	Total		

City Clerk's Office Legislative Tracking:

Diana Trettin, Senior Capital Projects Coordinator

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7P

DATE 5-18-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
 www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
 Members of the City Commission

Date: May 18, 2005

From: Jorge M. Gonzalez
 City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND OFFICIALLY ADOPTING THE BASIS OF DESIGN REPORT (BODR) FOR THE MULTI-PURPOSE MUNICIPAL PARKING FACILITY (MPMPF).**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

BACKGROUND:

On September 10, 2003, the Mayor and City Commission approved Resolution No. 2003-25332 authorizing the execution of a Development Agreement between the City of Miami Beach and the New World Symphony (NWS) for the development of a portion of the surface parking lot, bounded by 17th Street to the north, North Lincoln Lane to the south, Washington Avenue to the east and Pennsylvania Avenue to the west, for construction of an approximately 50,000 square foot educational, performance and internet broadcast facility with an exterior screen ("Soundspace"), and an approximately 320-space (+/-) public parking garage facility.

In approving the execution of the Agreement, the Commission also directed that the Administration should proceed with developing a new Multi-purpose Municipal Parking Facility (MPMPF) on the site of the current City Hall surface lot. Throughout the negotiations with the NWS, the Administration has consistently stated that replacement parking must be built before displacement of either 17th Street surface parking lot. The MPMPF must be built and completed, or an alternate acceptable replacement parking location must be identified, prior to NWS's commencement of project construction.

On September 10, 2003, the City Commission also authorized the issuance of a Request for Qualifications (RFQ) for Architectural, Engineering, Design, and Construction Administration Services needed to Plan, Design, and Construct the MPMPF on the current site of the City Hall Surface Parking Lot. On April 14, 2004, the City Commission approved Resolution No. 2004-25543 authorizing the execution of an agreement with Perkins and Will, Inc., in the amount of \$1,200,788, for the provision of Planning, Architecture, Landscape Architecture, and Engineering Services required to design and construct the MPMPF project. At the time of the award, the City chose to define the scope of the project based on a project with 480 parking spaces, 20,000 square feet of office/retail space, a pedestrian bridge to City Hall, and required site improvements and utility extensions with an

City Commission Memorandum

May 18, 2005

Multi-Purpose Municipal Parking Facility (MPMPF) Basis of Design Report (BODR)

Page 2 of 4

approximate construction cost of \$9,085,250. Also included in the scope was the planning of Meridian Avenue improvements, which will be implemented as part of the project. It should be noted that the design and construction of the Meridian Avenue Streetscape improvements are currently unfunded. Only the planning portion of this project is funded.

On December 17, 2004, a "Visioning" Session with the City departments was held to establish a list of desired design components. Three (3) planning concepts for the MPMPF were developed:

1. A 4-story office building with 23,798 total square feet of office/retail space with a 5-deck parking garage accommodating 471 parking spaces. Approximate construction cost was \$9,138,734. This was the only option within budget.
2. A 4-story office building with 23,798 total square feet of office/retail space with a 6-deck parking garage accommodating 575 parking spaces. Approximate construction cost was \$10,918,904.
3. The same as Option 2 but with additional hardscape and landscape elements. Approximate construction cost was \$12,298,070.

Additionally, three planning concepts for the Meridian Avenue Streetscape work were developed:

- A. Maximized traffic flow removing the parallel parking on the West side. Approximate construction cost was \$1,488,713.
- B. Controlled traffic flow and increased safety for vehicles at the 18th Street and Meridian Avenue intersection; a dedicated right turn lane on Meridian Avenue heading north for vehicles entering the MPMPF. Approximate construction cost was \$1,670,692.
- C. Controlled traffic flow and increased safety for vehicles at the 18th Street and Meridian Avenue intersection; a dedicated right turn lane on Meridian Avenue heading north for vehicles entering the MPMPF and a bike lane on the East side of Meridian Avenue. Approximate construction cost was \$1,434,332.

On February 10, 2005, a Community Design Workshop (CDW) was held to discuss the options outlined above with the Community. Consensus among the attendees was reached. For the MPMPF, the Community expressed its desire to have Option 2, with enhanced landscaping (such as screening walls on the East and South walls) and signage. This option was later estimated to cost \$11,848,467 for construction.

The Community also came to consensus on having Meridian Avenue be four (4) lanes, two (2) lanes in each direction, from 17th Street to 19th Street, the street just south of the Holocaust Memorial and Botanical Garden Center, while maintaining the majority of on-street parking on the West side of Meridian Avenue between 17th Street and 18th Street, and on the East side between 18th Street and 19th Street. This may preclude a bike path on the East side of the street due to space and Code constraints in the relationship between parking and the bike path traffic, but staff will evaluate that further as the project

City Commission Memorandum

May 18, 2005

Multi-Purpose Municipal Parking Facility (MPMPF) Basis of Design Report (BODR)

Page 3 of 4

proceeds into design. In addition, linear planters were included for medium size trees and bump-outs for larger canopy trees. The approximate construction cost for this option was later estimated to be \$1,476,931.

On March 28, 2005 a draft Basis of Design Report (BODR) was issued and reviewed by the Administration. The recommended plan for the MPMPF in the draft BODR was for a 4-story office building (23,798 square feet of office/retail space) with 6-deck parking garage (575 parking spaces) with enhanced landscaping. The estimated construction costs for this plan was \$11,848,467 (the additional parking deck was unfunded). The draft BODR also included the Meridian Avenue Streetscape plan for which consensus was obtained at the CDW.

Comments by City staff were received back, with the major comment being that additional office space was needed in the MPMPF, which could be incorporated by adding an additional floor and a bay at the south end of the building on three floors, which would add approximately 14,800 square feet to the office building, resulting in a total square footage of 38,600 square feet of office/retail space. The additional 14,800 square feet of office space would allow relocation of City departments as the need arises. For example, as the space needs of the Building Department increase, the Planning Department may have to be relocated. The Planning Department currently occupies 5,847 square feet of space in City Hall. Similarly, the occupants of the 555 17th Street building (Tourism and Cultural Development Department and Code Enforcement Division of the Neighborhood Services Department) could be relocated into the office building to allow for enhanced public access and parking close to their operations. These departments/divisions currently occupy 9,479 square feet of space in the 555 17th Street building. Funding for this additional office space would have to come from the same Parking fund sources that are already programmed for the planned MPMPF. The additional construction cost to add this additional office space is approximately \$1.7 million.

Currently, the average cost per square foot to either purchase, or construct, an independent office building, is over \$200 per square foot. By including additional office space with the planned MPMPF, the average cost per square foot for the office space is lowered to approximately \$115 per square foot. As this may be one of the last opportunities to procure additional office space at such a low cost per square foot, the Administration believes it is financially prudent to include the additional floor of office space at this time.

With regard to the additional parking deck that was unfunded in the draft BODR, as long as the additional parking deck is reserved for non-Administration uses (i.e., it is not reserved for City vehicles) and is public parking, City Center Redevelopment Agency (RDA) Tax Increment Financing (TIF) Funds can be used to pay for both the soft and construction costs for the additional parking deck. The estimated construction impact for the additional parking deck is \$1.3 million. Additional funding in the amount of \$400,000 will be needed for contingency, Art in Public Places, and other related soft costs, such as additional services for design and construction administration services and CIP Office project

City Commission Memorandum

May 18, 2005

Multi-Purpose Municipal Parking Facility (MPMPF) Basis of Design Report (BODR)

Page 4 of 4

management fees, for a total of approximately \$1.7 million from City Center RDA TIF Funds.

Overall, the estimated construction cost for the planned MPMPF, with a 5-story office building (38,600 square feet of office/retail space) with 6-deck parking garage (560 parking spaces) with enhanced landscaping, is approximately \$13.8 million. This is approximately \$4.7 million more than originally anticipated when the planning phase first began, not including the additional soft costs that are anticipated with the additional office space and parking deck discussed above. Approximately \$1.3 million of the construction costs, and \$400,000 in related soft costs, can be funded by the City Center RDA for the additional parking deck. The remaining \$4.7 million in funding to completely fund the parking garage, office space and related soft costs will need to be identified, but will most likely come from the same Parking Funding sources already programmed for the project (Parking Operating Fund and Parking Impact Fees).

The current schedule calls for substantial completion of the MPMPF by May 2008 and final completion by July 2008.

CONCLUSION:

The Administration recommends approval of the Multi-Purpose Municipal Parking Facility (MPMPF) Basis of Design Report (BODR) as submitted, with 5-story office building (38,600 square feet of office/retail space) with 6-deck parking garage (560 parking spaces) with enhanced landscaping, and the planned Meridian Avenue Streetscape improvements as outlined above.

By approving the BODR, the City will officially end the planning process for this project and the design concept. The Administration will be able to proceed with the design development, construction documents, bidding and award and construction phases of the project.

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RESOLUTION TO BE SUBMITTED

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

A Resolution electing Commissioner Saul Gross as Vice-Mayor for a term commencing on March 1, 2006, and terminating on June 30, 2006, or on such date when a new Vice-Mayor is thereafter elected.

Issue:

Shall Commissioner Saul Gross be elected as Vice-Mayor?

Item Summary/Recommendation:

The City Commission has established a policy of rotating the position of Vice-Mayor every four (4) months. Since 1994, the rotation has been by Commission Group number in the following sequence, Group I, II, III, IV, V, and VI.

The sequence was temporarily changed because of the November 2005 General Election.

The term commencing on November 1, 2005 and terminating on February 28, 2006 was scheduled to be filled by the Commissioner in the Group I seat. Group I Commissioner Jose Smith could not seek reelection due to term limits. At the October 19, 2005 Commission Meeting, the City Commission temporarily amended the Vice-Mayor rotation order from Group I, II, and III to Group III, II, I, followed by Group IV, V, and VI, then back to the Group I, II, and III order.

Based on this direction, the next Vice-Mayor Group is Group II. The term for the next Vice-Mayor is March 1, 2006 through June 30, 2006. Commissioner Saul Gross (Group II) is next in the rotation to serve as Vice-Mayor.

Advisory Board Recommendation:

N/A

Financial Information:**Amount to be expended:**

Source of Funds:



Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Robert E. Parcher, City Clerk

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM

C7B

DATE

2-8-06




MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER SAUL GROSS AS VICE-MAYOR FOR A TERM COMMENCING ON MARCH 1, 2006, AND TERMINATING ON JUNE 30, 2006, OR ON SUCH DATE WHEN A NEW VICE-MAYOR IS THEREAFTER ELECTED.**

ANALYSIS

The City Commission has established a policy of rotating the position of Vice-Mayor every four (4) months. Since 1994, the rotation has been by Commission Group number in the following sequence, Group I, II, III, IV, V, and VI.

The sequence was temporarily changed because of the November 2005 General Election.

The term commencing on November 1, 2005 and terminating on February 28, 2006 was scheduled to be filled by the Commissioner in the Group I seat. Group I Commissioner Jose Smith could not seek reelection due to term limits. At the October 19, 2005 Commission Meeting, the City Commission temporarily amended the Vice-Mayor rotation order from Group I, II, and III to Group III, II, I, followed by Group IV, V, and VI, then back to the Group I, II, and III order.

Based on this direction, the next Vice-Mayor Group is Group II. The term for the next Vice-Mayor is March 1, 2006 through June 30, 2006. Commissioner Saul Gross (Group II) is next in the rotation to serve as Vice-Mayor.

JMG/REP

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER SAUL GROSS AS VICE-MAYOR FOR A TERM COMMENCING ON MARCH 1, 2006, AND TERMINATING ON JUNE 30, 2006, OR ON SUCH DATE WHEN A NEW VICE-MAYOR IS THEREAFTER ELECTED.

WHEREAS, the Mayor and City Commission established a policy of rotating the position of Vice-Mayor every four months; and

WHEREAS, for the term commencing on March 1, 2006, and terminating on June 30, 2006, the Mayor and City Commission herein elect Commissioner Saul Gross as Vice-Mayor.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that Commissioner Saul Gross is hereby elected as Vice-Mayor of the City of Miami Beach, Florida, for a term commencing on March 1, 2006, and terminating on June 30, 2006, or on such date when a new vice mayor is thereafter elected.

PASSED and ADOPTED THIS _____ day of _____.

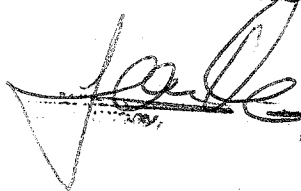
ATTEST:

CITY CLERK

Mayor David Dermer

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


Date: 1/31/06

Condensed Title:

A Resolution granting a Historic Preservation Easement to the Florida Trust for Historic Preservation pertaining to the Colony Theater Project, in accordance with Special Condition #21 of the Grant Agreement between the City and the United States Department of the Interior, National Park Service, dated April 6, 2001.

Key Intended Outcome Supported:

Ensure well maintained facilities and infrastructure

Issue:

Shall the City grant a Historic Preservation Easement to the Florida Trust pertaining to the Colony Theater?

Item Summary/Recommendation:

On April 6, 2001, the City entered into a Grant Agreement with the United States Department of the Interior, National Park Service, obligating \$835,000 from the Save America's Treasures Grant Program towards the renovation of the Colony Theater Project. Among the terms and conditions for accepting this Grant, is a requirement for the City to grant a "preservation easement" to the State Historic Preservation Officer, or to a nonprofit preservation organization acceptable to the National Park Service, for the purpose of ensuring that the architectural, historic and cultural features of the facility will be preserved and maintained and to prevent any use or change of the facility that will significantly impair or destroy its preservation value. The required term for such an easement is for fifty years.

Since the State of Florida's Historic Preservation Officer no longer participates as a party to such easement agreements, the City has negotiated and drafted a preservation easement with the Florida Trust for Historic Preservation, which in turn has been endorsed by the National Park Service. The Florida Trust is proposing a one-time fee of \$17,000, to cover annual monitoring visits for the full duration of the Agreement, and an additional \$500 to undertake a historic baseline analysis as required by the National Park Service.

The Administration recommends granting this Preservation Easement to the Florida Trust for Historic Preservation in order to enable the City to draw down on the remaining funds from the Save America's Treasures Grant, that are being withheld by the National Park Service pending full execution of the Easement by the City and the Florida Trust.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			



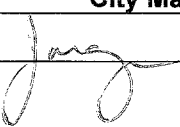
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Kent Bonde

Sign-Offs:

Redevelopment Coordinator	Assistant City Manager	City Manager
		

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MIAMI BEACH

AGENDA ITEM C7C
DATE 2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A HISTORIC PRESERVATION EASEMENT (EASEMENT) TO THE FLORIDA TRUST FOR HISTORIC PRESERVATION (FLORIDA TRUST), PERTAINING TO THE COLONY THEATER PROJECT (COLONY), IN ACCORDANCE WITH SPECIAL CONDITION #21 OF THE GRANT AGREEMENT BETWEEN THE CITY AND THE UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, DATED APRIL 6, 2001; THEREBY ENABLING THE CITY TO DRAW DOWN THE REMAINING FUNDS FROM THE SAVE AMERICA'S TREASURES GRANT, THAT ARE BEING WITHHELD BY THE NATIONAL PARK SERVICE PENDING FULL EXECUTION OF THE EASEMENT BY THE CITY AND THE FLORIDA TRUST.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On April 6, 2001, the City entered into a Grant Agreement with the United States Department of the Interior, National Park Service, obligating \$835,000 from the Save America's Treasures Grant Program towards the renovation of the Colony Theater Project. Among the terms and conditions for accepting this Grant, is a requirement for the City to grant a "preservation easement" to the State Historic Preservation Officer, or to a nonprofit preservation organization acceptable to the National Park Service, for the purpose of ensuring that the architectural, historic and cultural features of the facility will be preserved and maintained and to prevent any use or change of the facility that will significantly impair or destroy its preservation value. The required term for such an easement is for fifty years.

Since the State of Florida's Historic Preservation Officer no longer participates as a party to such easement agreements, the National Park Service recommended contacting the Florida Trust for Historic Preservation and Dade Heritage Trust. After evaluating verbal and written proposals from both organizations, the Administration decided to pursue discussions with the Florida Trust due to its extensive experience in administering preservation easements throughout the State as well as a very reasonable fee proposal of \$17,500 to administer an easement involving the Colony Theater. Dade Heritage Trust's proposal called for an initial up-front fee of \$50,000, plus legal and recording fees.

Using a standardized preservation easement document provided by the National Park Service as a basis for discussions, the City and the Florida Trust have negotiated and drafted the attached proposed Historic Preservation Easement, which has been endorsed by the National Park Service. The Easement generally provides for the City to covenant and the Florida Trust to ensure through periodic monitoring, the following:

- the Colony shall not be demolished, removed or razed;
- nothing shall be erected or allowed to grow on the property, which would impair the visibility of the building from street level;
- the property shall not be conveyed except as a unit, but this shall in no way preclude or prohibit the City (Grantor) from entering into leases, sub-leases, license agreements, concession agreements, and performance agreements for all or a portion of the property;
- no above-ground utility lines, except those reasonably necessary for the building may be established on the property, subject to utility easements already recorded;
- certain architecturally and historically significant interior and exterior features, (to be specifically identified as part of a base-line study to be performed by the Florida Trust), shall not be removed, demolished or altered; and
- without the express approval of the Florida Trust (Grantee), the Grantor may not alter or modify the exterior of the building, change the floor plan or erect any external signs or advertisement on the property.

As indicated earlier, the Florida Trust is proposing a one-time fee of \$17,000, to cover annual monitoring visits for the full duration of the Agreement, and an additional \$500 to undertake a historic baseline analysis as required by the National Park Service.

CONCLUSION

The Administration recommends granting this Preservation Easement to the Florida Trust for Historic Preservation in order to enable the City to draw down on the remaining funds from the Save America's Treasures Grant, that are being withheld by the National Park Service pending full execution of the Easement by the City and the Florida Trust.

JMG/TH/KOB

Attachment

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA , APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A HISTORIC PRESERVATION EASEMENT (EASEMENT) TO THE FLORIDA TRUST FOR HISTORIC PRESERVATION (FLORIDA TRUST), PERTAINING TO THE COLONY THEATER PROJECT (COLONY), IN ACCORDANCE WITH SPECIAL CONDITION #21 OF THE GRANT AGREEMENT BETWEEN THE CITY AND THE UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, DATED APRIL 6, 2001; THEREBY ENABLING THE CITY TO DRAW DOWN THE REMAINING FUNDS FROM THE SAVE AMERICA'S TREASURES GRANT, THAT ARE BEING WITHHELD BY THE NATIONAL PARK SERVICE PENDING FULL EXECUTION OF THE EASEMENT BY THE CITY AND THE FLORIDA TRUST.

WHEREAS, the City owns the Colony Theater, located at 1040 Lincoln Road (Colony); and

WHEREAS, since 2001, the Colony has been undergoing an extensive expansion and renovation program, funded in part by the Miami Beach Redevelopment Agency and in part by various local, state and federal grant sources; and

WHEREAS, on April 6, 2001, the City entered into a Grant Agreement with the United States Department of the Interior, National Park Service, obligating \$835,000 from the Save America's Treasures Grant Program towards the renovation of the Colony (the Grant); and

WHEREAS, among the terms and conditions for accepting this Grant, is a requirement for the City to grant a preservation easement to the State Historic Preservation Officer, or to a nonprofit preservation organization acceptable to the National Park Service, for the purpose of ensuring that the architectural, historic and cultural features of the Colony will be preserved and maintained and to prevent any use or change of the Colony that will significantly impair or destroy its preservation value; and

WHEREAS, since the State of Florida's Historic Preservation Officer no longer participates as a party to such easement agreements, the City has negotiated and drafted the attached Historic Preservation Easement (the Easement) with the Florida Trust for Historic Preservation, which in turn has been endorsed by the National Park Service; and

WHEREAS, the Easement generally provides for the City to covenant and the Florida Trust to ensure, through periodic monitoring, the following:

- the Colony shall not be demolished, removed or razed;
- nothing shall be erected or allowed to grow on the property, which would impair the visibility of the building from street level;
- the Colony shall not be conveyed except as a unit, but this shall in no way preclude or prohibit the City from entering into leases, sub-leases, license agreements, concession agreements, and performance agreements for all or a portion of the property;
- no above-ground utility lines, except those reasonably necessary for the building may be established on the property, subject to utility easements already recorded;
- certain architecturally and historically significant interior and exterior features, (to be specifically identified as part of a base-line study to be performed by the Florida Trust), shall not be

- removed, demolished or altered; and
- without the express approval of the Florida Trust, the City may not alter or modify the exterior of the building, change the floor plan or erect any external signs or advertisement on the property; and

WHEREAS, disbursement of the remaining funds from the Save America's Treasures Grant are being withheld by the National Park Service pending full execution of the Easement by the City and the Florida Trust.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby grant the attached Historic Preservation Easement to the Florida Trust for Historic Preservation pertaining to the Colony Theater Project, in accordance with Special Condition #21 of the Grant Agreement between the City and the United States Department of the Interior, National Parks Service, dated April 6, 2001; and authorize the Mayor and City Clerk to execute and record the Easement, thereby enabling the City to draw down on the remaining funds from the Save America's Treasures Grant, that are being withheld by the National Park Service, pending full execution of the Easement by the City and the Florida Trust.

PASSED and ADOPTED this _____ day of _____, 2006

ATTEST:

MAYOR

CITY CLERK

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

M. J. D. [Signature] 1-17-06

City Attorney *[Signature]* Date

HISTORIC PRESERVATION EASEMENT

THIS INSTRUMENT IS EXEMPT FROM DOCUMENTARY STAMP TAXES PURSUANT TO CHAPTER 201.02(6), FLORIDA STATUTES.

THIS HISTORIC PRESERVATION EASEMENT, made this ____ day of _____, 2006, by and between the CITY OF MIAMI BEACH, a Florida municipal corporation having its principal place of business at 1700 Convention Center Drive, Miami Beach, Florida 33139, ("Grantor", and/or "City"), and the FLORIDA TRUST FOR HISTORIC PRESERVATION, INC., a Florida not-for-profit corporation, having its principal address at P. O. Box 11206, Tallahassee, FL 32302-3206 or 1114B Thomasville Road, Tallahassee, FL 32303 ("Grantee").

WITNESSETH:

WHEREAS, the Grantor is owner in fee simple of certain real property located in the City of Miami Beach, Florida, more particular described in Exhibit "A", attached hereto and incorporated herein (hereinafter "the Property"); said Property including the following building (hereinafter "the Building"):

The principal structure is a masonry construction commercial-entertainment building built in 1934-36 from a design in the Art Deco style by prominent Jacksonville architect and noted theater designer Roy A. Benjamin with assistants John and Coultin Skinner; and

WHEREAS, the Grantee is a tax-exempt, non-profit corporation whose primary purposes include the preservation and conservation of sites, buildings, and objects of national, state or local significance and is a qualifying recipient of qualified conservation contributions under Section 170(h) of the Internal Revenue Code of 1986, as amended, and the regulations thereunder (hereinafter, "the Code"); and

WHEREAS, the Grantee is authorized to accept preservation easements to protect property significant in national, state, local and tribal history and culture under the provisions of Florida Statutes, Section 704.06 (3), (hereinafter "the Act"); and

WHEREAS, because of its architectural, historic, and cultural significance, the Property was listed in the National Register of Historic Places on May 14, 1979, as a contributing building in the Miami Beach Architectural Historic District (79000667); and

WHEREAS, the Grantor and the Grantee recognize the architectural, historic, and cultural values (hereinafter "preservation values") and significance of the Property and have the common purpose of preserving the aforesaid preservation values and significance of the Property; and

WHEREAS, the Property's preservation values are documented in the Baseline Report of Colony Theater dated _____, 2006 (and as may be supplemented upon the completion of restoration work), the original of which is maintained in the offices of the Grantee and which consists of a set of reports, drawings, and photographs (hereinafter "Baseline Documentation") incorporated herein by this reference, which Baseline Documentation the parties agree provides an accurate representation of the Property as of the effective date of this Easement; and

WHEREAS, the grant of a preservation easement by the Grantor to the Grantee on the Property will assist in preserving and maintaining the Property and its architectural, historic, and cultural features for the benefit of the people of the City of Miami Beach, the State of Florida, and the United States of America; and

WHEREAS, to that end, the Grantor desires to grant to the Grantee, and the Grantee desires to accept, a preservation easement (hereinafter the "Easement") in gross for fifty (50) years on the Property, pursuant to the Act.

NOW, THEREFORE, in consideration of the Save America's Treasures Grant received from the National Park Service, and other good and valuable consideration, receipt of which is hereby acknowledged, and pursuant to the requirements stipulated in Section 102(a)(5) of the National Historic Preservation Act (16 USC 470 b) and Florida Statutes, Section 704.06(3), the Grantor does hereby voluntarily grant and convey unto the Grantee a preservation easement for fifty (50) years over the Property described in Exhibit A.

1. **Purpose.** It is the purpose of this Easement to ensure that the architectural, historic, and cultural features of the Property will be retained and maintained for fifty (50) years, said fifty (50) year term commencing on the last date of execution by the parties hereto, substantially in the condition the Property will be in upon completion of current rehabilitation efforts for preservation purposes and to prevent any use or change of the Property that will significantly impair or destroy the Property's preservation values.

2.1. **The Grantor's Covenants: Covenant to Maintain.** The Grantor agrees at all times to maintain and repair the Property in the same or better condition so as to preserve the historical integrity of its features, materials, appearances, workmanship and environment. The Grantor's obligation to maintain shall require replacement, repair, and restoration by the Grantor, whenever necessary to preserve the Building in substantially the same or better condition and state of repair as that existing on the date of this easement. Subject to the casualty provisions herein, this obligation to maintain shall require replacement, rebuilding, repair and restoration of the Building in accordance with The Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR 68), as these may be amended from time to time (hereinafter the "Secretary's Standards").

2.2. **The Grantor's Covenants: Prohibited Activities.** The following acts or uses are expressly forbidden on, over, or under the Property, except as otherwise conditioned in this paragraph:

- (a) the Building shall not be demolished, removed or razed except as may occur under Paragraphs 7 and 8;
- (b) nothing shall be erected or allowed to grow on the Property which would impair the visibility of the Building from street level;
- (c) the Property shall not be conveyed except as a unit, but this shall in no way preclude or prohibit Grantor from entering into leases, sub-leases, license agreements, concession agreements, and performance agreements for all or a portion of the Property and/or the Building;
- (d) no above-ground utility transmission lines, except those reasonably necessary for the existing Building, may be created on the Property, subject to utility easements already recorded;

- (e) subject to the maintenance covenants of Paragraph 2.1 hereof, certain features located within the Property, identified in Exhibit "B" attached hereto, shall not be removed, demolished or altered:

3.1. **Conditional Rights Requiring Approval by the Grantee.** Without the prior express written approval of the Grantee, the Grantor shall not undertake any of the following actions:

- (a) increase or decrease the height of, make additions to, change the exterior construction materials or colors of, or move, improve, alter, restore or change the facades (including fenestration) and roof of the Building;
- (b) change the floor plan of the Building; or
- (c) erect any external signs or external advertisements except: (i) such as the plaque permitted (but not required) under Paragraph 19 of this Easement; (ii) a sign stating solely the address of the Property; and (iii) a temporary sign to advertise the sale or lease of the Property. Nothing herein shall be interpreted to mean that the Grantor cannot appropriately announce and/or advertise for theatrical engagements or other types of activities that will be taking place on the Property, and Grantee's express written approval shall not be required for such announcements/advertisements.

3.2. **Review of the Grantor's Requests for Approval.** The Grantor shall submit to the Grantee for the Grantee's approval of those conditional rights set out in Paragraph 3.1 information (including plans, specifications and designs, where appropriate) identifying the proposed activity with reasonable specificity. In connection therewith, the Grantor shall also submit to the Grantee a timetable for the proposed activity sufficient to permit the Grantee to monitor such activity. The Grantor shall not undertake any such activity until approved by the Grantee. The Grantee reserves the right to consult with governmental agencies, nonprofit preservation organizations, and/or other advisors deemed appropriate by the Grantee, concerning the appropriateness of any activity proposed under this Easement. The Grantor shall make no change or take any action subject to approval of the Grantee unless expressly authorized in writing by an authorized representative of the Grantee.

4. **Standards for Review.** In exercising any authority created by the Easement to inspect the Building, including the interior to review any construction, alteration, repair or maintenance, or to review casualty damage or to restore or approve restoration of the Building following casualty damage, the Grantee shall apply the Secretary's Standards.

5. **Public Access.** The Grantor shall make the Property and the Building accessible to the public on a minimum of twelve (12) days per year. In addition, with reasonable notice to Grantor, persons affiliated with educational organizations, professional architectural associations, and historical societies shall be admitted to study the Property. The Grantee may make photographs, drawings, or other representations documenting the significant historical, cultural, and architectural character and features of the Property and distribute them to magazines, newsletters, or other publicly available publications, or use them to fulfill its charitable and educational purposes.

The Grantor agrees to comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000 (d)), the Americans with Disabilities Act (42 USC 12204), and with Section 504 of the Rehabilitation Act of 1973 (29 USC 794). These laws prohibit discrimination on the basis of race, religion, national origin, or disability. In implementing public access, reasonable accommodations to qualified disabled persons shall be made in consultation with the State Historic Preservation Office.

6. **The Grantor's Reserved Rights Not Requiring Further Approval by the Grantee.** Subject to the provisions of Paragraphs 2.1, 2.2 and 3.1, the following rights, uses and activities of or by the Grantor on, over or under the Property and/or the Building are permitted by this Easement and by the Grantee without further approval by the Grantee:

- (a) the right to engage in all those acts and uses that: (i) are permitted by governmental statute or regulation; (ii) do not substantially impair the preservation values of the Property; and (iii) are not inconsistent with the purpose of this Easement;
- (b) pursuant to the provisions of Paragraph 2.1, the right to maintain and repair the Building, and to determine in Grantor's reasonable discretion the means and methods for such repair and maintenance, provided such means and methods are in accordance with the Secretary's Standards. As used in this subparagraph, the right to maintain and repair shall mean the use by the Grantor of in-kind materials and colors, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose of retaining in good condition the appearance and construction of the Building. The right to maintain and repair as used in this subparagraph shall not include the right to make changes in appearances, materials, colors and workmanship from that existing prior to the maintenance and repair without the prior approval of the Grantee in accordance with the provisions of Paragraphs 3.1 and 3.2;
- (c) the right to continue all manner of existing use and enjoyment of the Property and/or the Building including but not limited to the continuation of existing uses on the Property and/or the Building, and the right to maintain and enforce existing agreements and contracts affecting the Property and/or the Building, as well as the negotiation and execution of new agreements and contracts for the Property and/or the Building; the maintenance, repair and restoration of existing structures and fences; the right to maintain existing utility lines, gardening and building walkways and steps; the right to cut, remove and clear grass or other vegetation and to perform routine maintenance, landscaping, horticultural activities, and upkeep, consistent with the purpose of this Easement; and
- (d) the right to conduct at or on the Property and/or the Building, the continuation of current uses, as well as other cultural, governmental, educational, profit and nonprofit activities that are not inconsistent with the protection of the preservation values of the Property and/or the Building.

7. **Casualty Damage or Destruction.** In the event that the Building or any part thereof be damaged or destroyed by fire, flood, windstorm, hurricane, earth movement, or other casualty, the Grantor shall notify the Grantee in writing within fourteen (14) calendar days of the damage or destruction, such notification including what, if any, emergency work has already been completed. No repairs or restoration of any type, other than emergency work to prevent further damage to the Building or to protect public safety, shall be undertaken by the Grantor without the Grantee's prior written approval. Within thirty (30) calendar days of the date of damage or destruction, if required by the Grantee, the Grantor at its expense shall submit to the Grantee a written report prepared by a qualified restoration architect and an engineer who are acceptable to the Grantor and the Grantee, which report shall include the following:

- (a) an assessment of the nature and extent of the damage;

- (b) a determination of the feasibility of the restoration of the Building and/or restoration of damaged or destroyed portions of the Building; and
- (c) a report of such restoration work necessary to return the Building to the condition existing at the date hereof.

8. **Review After Casualty Damage or Destruction.** If, after reviewing the report provided in Paragraph 7 and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9, the Grantor and the Grantee mutually agree that the purpose of the Easement will continue to be served by such restoration, the Grantor and the Grantee shall establish a schedule under which the Grantor shall complete the restoration of the Building in accordance with plans and specifications consented to by the parties up to at least the total of casualty insurance proceeds available to the Grantor.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9, the Grantor and the Grantee mutually agree that restoration of the Building is impractical or impossible, or agree that the purpose of the Easement would not continue to be served by such restoration, the Grantor may, with prior written consent of the Grantee, alter, demolish, remove or raze the Building and/or construct new improvements on the Property and, Grantor and the Grantee shall agree to terminate this Easement in accordance with the laws of the State of Florida, and paragraph 23.1 hereof.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9, the Grantor and the Grantee are unable to mutually agree that the purpose of the Easement will or will not be served by such restoration, the matter may be referred by either party to binding arbitration under the auspices of the American Arbitration Association, with the Grantor and Grantee equally sharing the cost of the arbitrator.

9. **Insurance.** Grantee acknowledges that Grantor is a self-insured governmental entity subject to the limitations of Section 768.28, Florida Statutes. In the unlikely event of a sale or transfer of the Property, the following insurance provision would apply to the new buyer and/or transferee, provided that it is not a governmental entity subject to the same provisions set forth in Section 768.28 Florida Statutes.

- (a) The new buyer and/or transferee shall keep the Property insured by an insurance company rated "A1" or better by Best's for the full replacement cost without cost or expense to Grantor and/or Grantee. Such insurance shall include the Grantee's interest and name the Grantee as an additional insured. The new buyer and/or transferee shall deliver to the Grantee, within ten (10) business days of the Grantee's written request therefore, certificates of such insurance coverage. Provided, however, that whenever the Property is encumbered with a mortgage or deed of trust, nothing contained in this paragraph shall jeopardize the prior claim, if any, or the mortgagee/lender to the insurance proceeds.

10. **Indemnification.** To the extent provided by law, and to the extent and limits provided pursuant to Section 768.28, Florida Statutes, the Grantor hereby agrees to indemnify, hold harmless and defend at its own cost and expense, the Grantee, its trustees, directors, officers and employees, from and against any and all claims, liabilities, expenses, costs, damages, losses, and expenditures (including reasonable attorneys' fees and disbursements hereafter incurred) arising out of or in connection with

injury to or death of any person; physical damage to the Property; the presence or release in, on, or about the Property, at any time, or any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance, or regulation as a hazardous, toxic, polluting, or contaminating substance; or other injury or other damage occurring on or about the Property; unless such injury or damage is caused by the Grantee or any agent, trustees, director, officer, employee, or independent contractor of the Grantee. In the unlikely event of a sale or transfer of the Property, the following indemnification provision would apply to the new buyer and/or transferee, provided that it is not a governmental entity subject to the same provisions set forth in Section 768.28 Florida Statutes.

- (a) In the event that the new buyer and/or transferee is required to indemnify the Grantee pursuant to the terms of this paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Property with the same effect and priority as a mechanic's lien. Provided, however, that nothing contained herein shall jeopardize the priority of any recorded lien of mortgage or deed of trust given in connection with a promissory note secured by the Property.

11. **Taxes.** The Grantor shall pay immediately, when first due and owing, all general taxes, special assessments, water charges, sewer service charges, and other charges which may become a lien on the Property unless the Grantor timely objects to the amount or validity of the assessment or charge and diligently prosecutes an appeal thereof, in which case the obligation hereunder to pay such charges shall be suspended for the period permitted by law for prosecuting such appeal and any applicable grace period following completion of such action. In place of the Grantor, the Grantee is hereby authorized, but is in no event required or expected, to make or advance upon three (3) days prior written notice to the Grantor any payment relating to taxes, assessments, water rates, sewer rentals and other governmental or municipality charge, fine, imposition, or lien asserted against the Property. The Grantee may make such payment according to any bill, statement, or assessment or may inquire into and contest the validity of such tax, assessment, sale, or forfeiture. Such payment if made by the Grantee shall constitute a lien on the Property, with the same effect and priority as a mechanic's lien, except that such lien shall not jeopardize the priority of any recorded lien of mortgage or deed of trust given in connection with a promissory note secured by the Property.

12. **Written Notice.** Any notice which either the Grantor or the Grantee may desire or be required to give to the other party shall be in writing and shall be delivered by one of the following methods: by overnight courier postage prepaid, facsimile transmission, registered or certified mail with return receipt requested, or hand delivery; if to the Grantor, then at the following address:

with copies to:

City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

And if to the Grantee, then to the following address:

Executive Director
Florida Trust for Historic Preservation
P.O. Box 11206
Tallahassee, FL 32302

Each party may change its address set forth herein by a written notice to such effect to the other party.

13. **Evidence of Compliance.** Upon request by the Grantor, the Grantee shall promptly furnish the Grantor with certification that, to the best of the Grantee's knowledge, the Grantor is in compliance with the obligations of the Grantor contained herein or that otherwise evidences the status of this Easement to the extent of the Grantee's knowledge thereof.

14. **Inspection.** Upon reasonable notice to Grantor, representatives of the Grantee shall be permitted at all reasonable times to inspect the Property and/or the Building. The Grantor agrees not to withhold unreasonably its consent in determining dates and times for such inspections.

15. **The Grantee's Remedies.** The Grantee may, following reasonable written notice to the Grantor, institute suit(s) to enjoin any violation of the terms of this Easement by temporary, preliminary, and/or permanent injunction, including prohibitory and/or mandatory injunctive relief, and to require the restoration of the Property and Building to the condition and appearance that existed prior to the violation complained of. The Grantor agrees that the Grantee shall not be required to post a bond or other security in the event it is awarded an injunctive order from a court, and Grantor hereby waives such requirements. The Grantee shall also have available all legal and other equitable remedies to enforce the Grantor's obligations hereunder.

In the event the Grantor is found by a court of competent jurisdiction to have violated any of its obligations, the Grantor shall reimburse the Grantee for any costs or expenses incurred in connection with the Grantee's enforcement of the terms of this Easement, including all reasonable court costs, and attorney's, architectural, engineering, and expert witness fees.

Exercise by the Grantee of one remedy hereunder shall not have the effect of waiving or limiting any other remedy, and the failure to exercise any remedy shall not have the effect of waiving or limiting the use of any other remedy or the use of such remedy at any other time.

16. **Notice from Government Authorities.** The Grantor shall deliver to the Grantee copies of any notice of violation of law relating to the Property received by the Grantor from any government authority within five (5) business days of receipt by the Grantor. Upon request by the Grantee, the Grantor shall promptly furnish the Grantee with evidence of the Grantor's compliance with such notice where compliance is required by law.

17. **Notice of Proposed Sale.** The Grantor shall promptly notify the Grantee in writing of any proposed sale of the Property and provide the opportunity for the Grantee to explain the terms of the Easement to potential new owners prior to sale closing.

18. **Liens.** Except for publicly owned properties, any lien on the Property created pursuant to any paragraph of this Easement may be confirmed by judgment and foreclosed by the Grantee in the same manner as a mechanic's lien, except that no lien created pursuant to this Easement shall jeopardize the priority of any recorded lien of mortgage or deed of trust given in connection with a promissory note secured by the Property.

19. **Plaque.** The Grantor agrees that the Grantee may (but is not required to) provide and maintain a plaque on the Property, which plaque shall not exceed 24 by 24 inches in size, giving notice of the significance of the Property and the existence of this Easement.

20. **Binding Effect - - Runs with the Land.** Except as provided in Paragraphs 8 and 23.2, the obligations imposed by this Easement shall be effective for 50 years, commencing upon the last date of execution by the parties hereto, and shall be deemed to run as a binding servitude with the Property. This Easement shall extend to and be binding upon the Grantor and the Grantee, their respective successors in interest and all persons hereafter claiming under or through the Grantor or the Grantee, and the words "The Grantor" and "The Grantee" when used herein shall include all such persons. Any right, title, or interest herein granted to the Grantee also shall be deemed granted to each successor and assign of the Grantee and each such following successor and assign thereof, and the word "The Grantee" shall include all such successors and assigns.

Anything contained herein to the contrary notwithstanding, an owner of the Property shall have no obligation pursuant to this instrument where such owner shall cease to have any ownership interest in the Property by reason of a bona fide transfer except that the liability for acts or omissions occurring prior to transfer shall survive transfer. The restrictions, stipulations, and covenants contained in this Easement shall be inserted by the Grantor, verbatim or by express reference, in any subsequent deed or other legal instrument by which the Grantor divests itself of either the fee simple title to or any lesser estate in the Property or any part thereof, including by way of example and not limitation, a lease of all or a portion of the Property.

21. **Assignment.** The Grantee may convey, assign, or transfer this Easement without the prior written consent of Grantor, which consent shall not be unreasonably withheld to a unit of federal, state, tribal or local government or to a similar local, state, or national organization whose purposes, inter alia, are to promote preservation of historical, cultural, or architectural resources, provided that any such conveyance, assignment, or transfer requires that the Purpose for which the Easement was granted will continue to be carried out.

22. **Recording and Effective Date.** The Grantor shall do and perform at its own cost all acts necessary to the prompt recording of this instrument in the official records of Miami Dade County, Florida. Grantee may re-record this Easement at any time as may be required to preserve its rights in the Easement.

23.1 **Termination of Easement.** The Grantor and the Grantee hereby recognize that circumstances may arise that may make impossible the continued ownership or use of the Property and/or the Building in a manner consistent with the purpose of this Easement and necessitate termination of the Easement. Such circumstances may include, but are not limited to, partial or total destruction of the Building resulting from casualty. Extinguishment must be a result of a judicial proceeding in a court of competent jurisdiction, except to the extent allowed by the application of Paragraph 8 hereof.

23.2 **Condemnation.** If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, the Grantor and the Grantee shall join in appropriate proceedings at the time of such taking to recover full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking. After the satisfaction of prior claims and net of expenses reasonably incurred by the Grantor and the Grantee in connection with such taking, the Grantor and the Grantee shall be respectively entitled to compensation from the balance of the recovered proceeds in accordance with applicable law.

24. **Interpretation.** The following provisions shall govern the effectiveness, interpretation, and duration of the Easement.

(a) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of Property shall not apply in the construction or interpretation of this Easement, and this instrument shall be interpreted broadly to affect its purpose and the transfer of rights and the restrictions on use herein contained.

(b) This instrument is made pursuant to the Act, but the invalidity of such Act or any part thereof shall not affect the validity and enforceability of this Easement according to its terms, it being the intent of the parties to agree and bind themselves, their successors and their assigns for 50 years to each term of this instrument whether this instrument be enforceable by reason of any statute, common law, or private agreement in existence either now or hereafter.

(c) The invalidity or unenforceability of any provision of this instrument shall not affect the validity or enforceability of any other provision of this instrument or any ancillary or supplementary agreement relating to the subject matter thereof.

(d) Nothing contained herein shall be interpreted to authorize or permit the Grantor to violate any ordinance or regulation relating to building materials, construction methods, or use. In the event of any conflict between any such ordinance or regulation and the terms hereof, the Grantor promptly shall notify the Grantee of such conflict and shall cooperate with the Grantee and the applicable governmental entity to accommodate the purposes of both this Easement and such ordinance or regulation.

(e) To the extent that Grantor owns or is entitled to development rights which may exist now or at some time hereafter by reason of the fact that under any applicable zoning or similar ordinance the Property may be developed to a use more intensive (in terms of height, bulk, or other objective criteria related by such ordinances) than the Property is devoted as of the date hereof, such development rights may be sold, transferred or otherwise conveyed for use other than on the Property, provided that such use is implemented in a manner that would not interfere with the preservation of the Property or any other historically significant building or the Purpose of the Easement.

(f) Grantor and Grantee agree to conduct themselves in a reasonable manner and to exercise good faith and fair dealing in the performance of this Easement.

25. **Amendment.** If circumstances arise under which an amendment to or modification of this Easement would be appropriate, the Grantor and the Grantee may by mutual written agreement jointly amend this Easement, provided that no amendment shall be made that adversely affect the qualification of this Easement or the status of the Grantee under applicable laws, including the laws of the State of Florida. Furthermore, no amendment may reduce the term or duration of this Easement. Any such amendment shall be consistent with the preservation values of the Property and the purpose of this Easement. Any such amendment shall be recorded in the official records of Miami Dade County, Florida. Nothing in this paragraph shall require the Grantor or the Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

This Easement reflects the entire agreement of the Grantor and the Grantee. Any prior or previous correspondence, understandings, agreements, and representations are null and void upon execution hereof, unless set out in this instrument.

GRANTEE:

**FLORIDA TRUST FOR HISTORIC
PRESERVATION, INC.**, a Florida not-for-profit
corporation

By: _____
Name: _____
Title: _____

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2005,
by _____, as _____, of the **Florida Trust for Historic
Preservation, Inc.**, a _____, on behalf of the _____.
He/She is personally known to me or has produced _____ (type of
identification) as identification.

Notary Public
Print Name: _____

My Commission Expires: _____

[SEAL]

SCHEDULE OF EXHIBITS

- A. Property Description
- B. List of Interior Features to be Protected [To be provided by FTHP and NPS following preparation of baseline data]

EXHIBIT A
THE COLONY THEATER

ADDRESS:

1040 Lincoln Road, Miami Beach, Florida 33139

LEGAL DESCRIPTION:

Lot 12 Block 47, Lincoln Subdivision, according to the plot thereof, as recorded in Plat Book 9, Page 69 of the public records of Miami-Dade County, Florida.

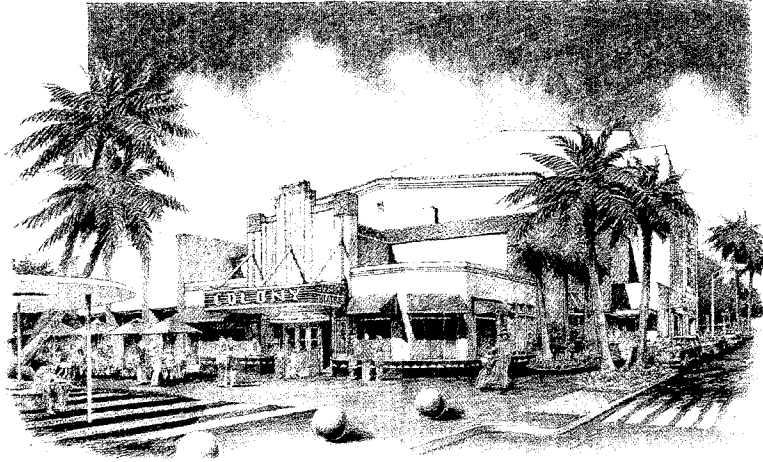
PROJECT DESCRIPTION:

Colony Theater was originally built in 1934-36 by Paramount Enterprises, and is listed on the Local and National Register of Historic Places. The building is a masonry construction commercial-entertainment building, representing a modest example of Art Deco Architecture during the 1930's and 1940's. The Colony was designed R.A. Benjamin of Jacksonville, with assistant architects John and Coulton Skinner. It was originally built at a cost of \$50,000.

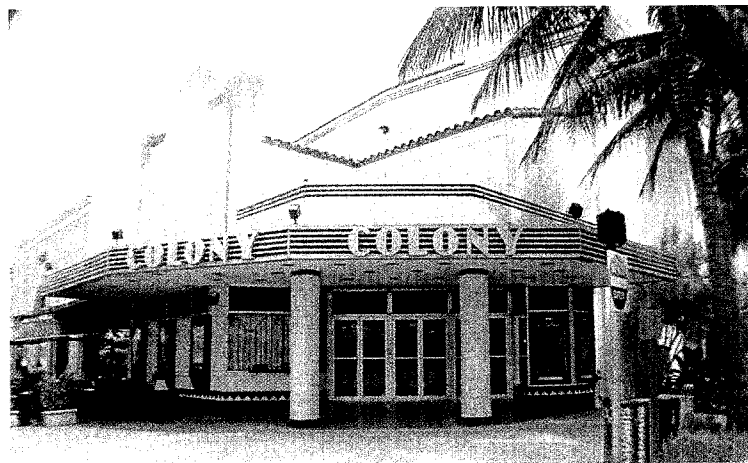
The Colony is currently undergoing a \$6.3 Million renovation and restoration which includes the removal of the rear 45 feet of existing building, housing the original stage; and construction of a new stage house, the addition of second and third floor service areas behind the stage and a fourth floor dressing and rehearsal room area.

The historic preservation scope of work involves removing the existing marquee and storefront on Lincoln Road, restoring them to their original appearance and location, and modifying the interior lobby, office and concession area to be more consistent with the original design. The Project is scheduled for completion in Spring, 2006.

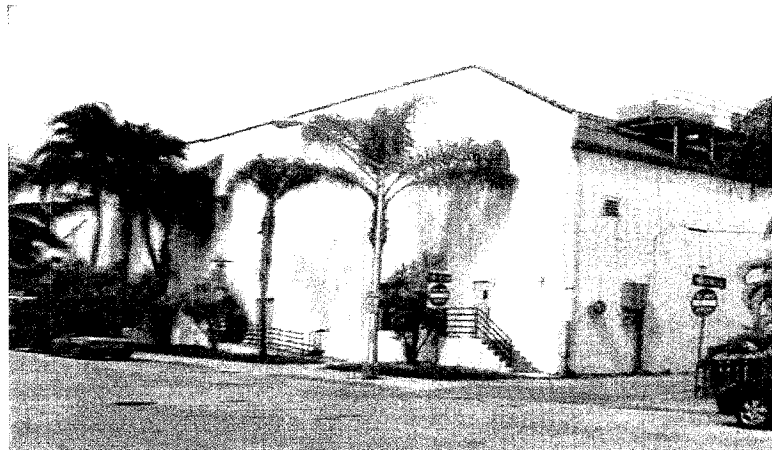
COLONY THEATER PROJECT PICTURES



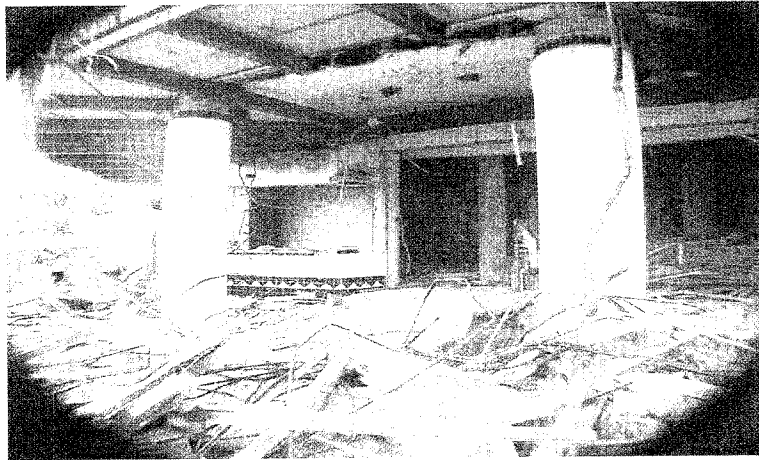
Colony Theater – Architectural Rendering of Final Project



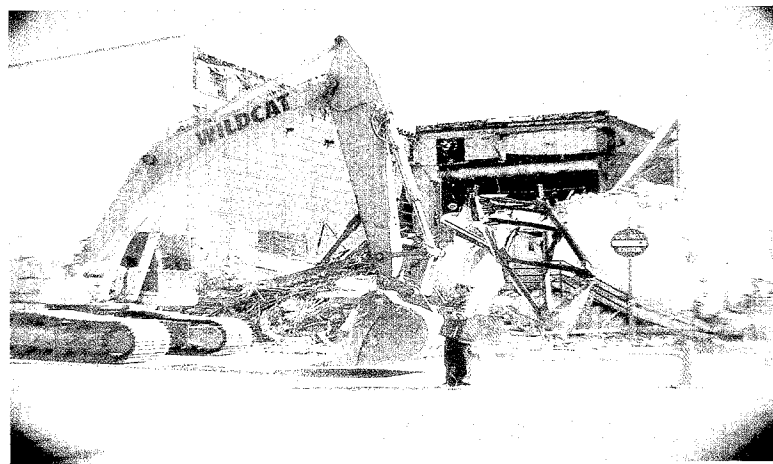
Pre-Renovation Façade



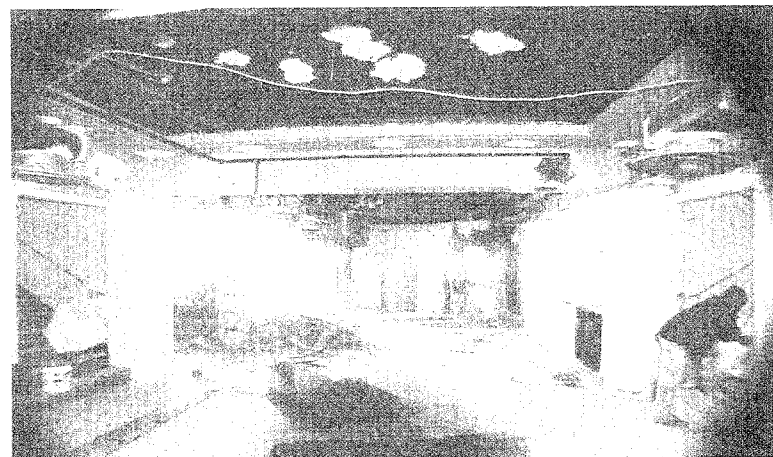
Pre-Renovation Stage House



Demolition of old Façade



Demolition of Stage House



**Interior Lobby – Work in Progress
(Exposed Vaulted Ceilings)**



New Stage House Construction



Post Construction – New Façade & Stage House



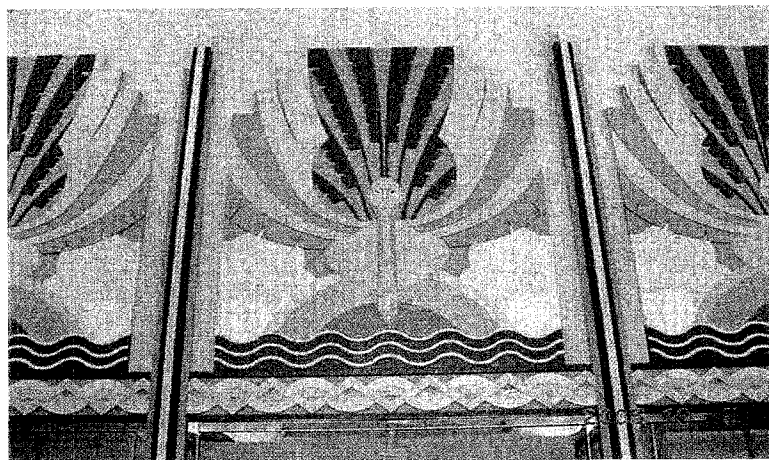
Post Construction New Entrance and Marquee



Post Construction – New Facade



Interior Lobby Restoration Detail



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Condensed Title:

A Resolution amending the City's State Legislative Agenda to include support of House Bill 177 related to the School Year Opening Date.

Issue:

Shall the City support House Bill 177, which provides that the school year cannot start earlier than seven days prior to Labor Day?

Item Summary/Recommendation:

Representative Gelber has filed House Bill 177 (attached), Relating to School Year/Opening Date – 2006.

This bill proposes to amend the specified provisions regarding the powers and duties of district school boards; it provides a requirement regarding the opening date of the school year and inclusion for participation in the Florida Education Finance Program, applicable to the 2007-2008 school year.

The bill provides that the opening date of the school year statewide shall be no earlier than seven days before Labor Day.

Advisory Board Recommendation:

Committee on Quality Education, November 22, 2005

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; padding: 5px; display: inline-block;">N/A</div> OBPI	1			
	2			
	3			
	4			
	Total			
Financial Impact Summary:				

City Clerk's Office Legislative Tracking:

Kevin Crowder, Economic Development

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		<i>[Signature]</i>

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SUPPORTING HOUSE BILL 177 RELATING TO THE SCHOOL YEAR OPENING DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

On November 22, 2005, the Committee for Quality Education adopted the following motion:

The Committee for Quality Education encourages the City of Miami Beach to support a unified statewide later school start date.

Representative Gelber has filed House Bill 177 (attached), Relating to School Year/Opening Date – 2006. This bill proposes to amend the specified provisions regarding the powers and duties of district school boards; it provides a requirement regarding the opening date of the school year and inclusion for participation in the Florida Education Finance Program, applicable to the 2007-2008 school year. The bill provides that the opening date of the school year statewide shall be no earlier than seven days before Labor Day.

This bill was referred to three committees: PreK-12; Education Appropriations, and the Education Council. The bill passed the PreK-12 Committee on January 10, 2006, by a vote of 10 in favor and 1 against. The bill has not yet been scheduled in the Committee on Education Appropriations. Senator Margolis has filed the companion bill, Senate Bill 306, which has been referred to two committees, but has not yet been heard.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the attached resolution, and amend the City's 2006 State Legislative Agenda to include support for House Bill 177 related to the School Year Opening Date.

Attachment


JMG/HF/kc

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HB 177

2006

A bill to be entitled
An act relating to public K-12 education; amending s.
1001.42, F.S., relating to powers and duties of district
school boards; providing a requirement relating to the
opening date of the school year; amending s. 1011.60,
F.S.; including the opening date requirement for
participation in the Florida Education Finance Program;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (f) of subsection (4) of section
1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.--The
district school board, acting as a board, shall exercise all
powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
SCHOOLS.--Adopt and provide for the execution of plans for the
establishment, organization, and operation of the schools of the
district, including, but not limited to, the following:

(f) Opening and closing of schools; fixing uniform
date.--Adopt policies for the opening and closing of schools and
fix uniform dates provided that the opening date of the school
year for schools in the district shall be no earlier than 7 days
before Labor Day each year.

Section 2. Subsection (2) of section 1011.60, Florida
Statutes, is amended to read:

HB 177

2006

28 1011.60 Minimum requirements of the Florida Education
29 Finance Program.--Each district which participates in the state
30 appropriations for the Florida Education Finance Program shall
31 provide evidence of its effort to maintain an adequate school
32 program throughout the district and shall meet at least the
33 following requirements:

34 (2) MINIMUM TERM AND OPENING DATE.--Operate all schools
35 for a term of at least 180 actual teaching days or the
36 equivalent on an hourly basis as specified by rules of the State
37 Board of Education each school year provided that the opening
38 date of the term shall be no earlier than 7 days before Labor
39 Day each year. The State Board of Education may prescribe
40 procedures for altering, and, upon written application, may
41 alter, this requirement during a national, state, or local
42 emergency as it may apply to an individual school or schools in
43 any district or districts if, in the opinion of the board, it is
44 not feasible to make up lost days, and the apportionment may, at
45 the discretion of the Commissioner of Education and if the board
46 determines that the reduction of school days is caused by the
47 existence of a bona fide emergency, be reduced for such district
48 or districts in proportion to the decrease in the length of term
49 in any such school or schools. A strike, as defined in s.
50 447.203(6), by employees of the school district may not be
51 considered an emergency.

52 Section 3. This act shall take effect July 1, 2006.

RESOLUTION TO BE SUBMITTED

Condensed Title:

A Resolution amending the City's State Legislative Agenda to include support of Miami-Dade County Public Schools' State Legislative Priorities and continuing to support the Class Size Amendment..

Issue:

Shall the City support the State Legislative Priorities of Miami-Dade County Public Schools and full funding of the Class Size Amendment during the upcoming 2006 State Legislative Session?

Item Summary/Recommendation:

On November 22, 2005, the Committee for Quality Education adopted a motion encouraging the City of Miami Beach to adopt the State Legislative Priorities of Miami-Dade County Public Schools as part of the City's State Legislative Agenda. These include:

- a. Full Funding of the Florida Education Finance Program.
- b. Capital Funding
- c. Secondary Education Reform Funding
- d. Professional Development Support
- e. Teacher Recruitment Incentives
- f. Modified Instructional Hours for the Voluntary Pre-K Program
- g. Increase penalties for fraudulently obtaining and maintaining teacher positions
- h. Education regarding dangers of sexual solicitation and abuse of youth.

Advisory Board Recommendation:

Committee on Quality Education, November 22, 2005

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; padding: 5px; display: inline-block;">N/A</div> OBPI	1			
	2			
	3			
	4			
	Total			
Financial Impact Summary:				

City Clerk's Office Legislative Tracking:

Kevin Crowder, Economic Development

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		<i>Jay</i>

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S STATE LEGISLATIVE AGENDA TO INCLUDE SUPPORT OF THE MIAMI-DADE COUNTY PUBLIC SCHOOLS LEGISLATIVE PRIORITIES, AND FURTHER, CONTINUING TO SUPPORT THE CLASS SIZE AMENDMENT AND FULL FUNDING OF SAID AMENDMENT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

On November 22, 2005, the Committee for Quality Education adopted a motion encouraging the City of Miami Beach to adopt the State Legislative Priorities of Miami-Dade County Public Schools as part of the City's State Legislative Agenda. Additionally, the Committee passed a motion for continued support of the Class Size Amendment and full funding for it.

The State Legislative Priorities for 2006 for Miami-Dade County Public Schools are:

- a. Funding for Education - Adequately and equitably fund the Florida Education Finance Program (FEFP), and fully fund the operating and capital outlay costs of implementing the class size reduction constitutional amendment, taking into account the actual student enrollment, cost of living, equalizing features in the FEFP formula, inflation, increasing utility and insurance costs, and the actual cost of delivering programs to special populations. Maintain the integrity of the FEFP and equity of funding among school districts.
- b. Capital Funding - Provide funding through a stable long-term revenue source for the actual capital outlay needs of districts based on existing student station deficits, projected enrollment growth, the need for replacement, remodeling and maintenance of facilities, providing for cost enhancements associated with varying local construction costs, state-mandated requirements and adverse environmental conditions.
- c. Secondary Education Reform - Provide funding for secondary education reform that supports an extended school day and year, and encourages themed career path based academies and smaller learning environments.

- d. Professional Development - Provide increased support for new teachers and competency-based professional development and alternative pathway principal preparation programs.
- e. Teacher Recruitment - Provide incentives from state lottery funds to recruit and retain young people in the teaching profession.
- f. Voluntary Pre-Kindergarten - Modify the required instructional hours for the summer program.
- g. Legal - Amend state statutes making it a felony violation for applicants and teachers who knowingly attempt to fraudulently obtain and/or maintain teacher positions.
- h. Other - Encourage the education of parents and children regarding the dangers of sexual solicitation and abuse of youth.

CONCLUSION

Items a & b of the MDCPS Legislative Agenda, funding for the Florida Education Finance Program and Capital Funding, are already included in the City's State Legislative Agenda that was adopted on December 7, 2005.

The Administration recommends that the Mayor and City Commission adopt the attached Resolution, and amend the City's 2006 State Legislative Agenda to include support of Miami-Dade County Public Schools' State Legislative Priorities and continued support of full funding for the Class Size Amendment.


JMG/HF/kc

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RESOLUTION TO BE SUBMITTED

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Condensed Title:

A Resolution Authorizing The City Manager Or His Designee To Submit Funding Requests To The Federal Emergency Management Agency (FEMA), And To The State Of Florida Legislature.

Key Intended Outcome Supported:

Improve The City's Overall Financial Health And Maintain Overall Bond Rating.

Issue:

Shall The City Support The Above Two Funding Requests?

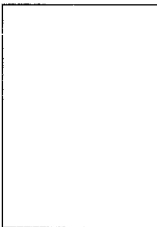
Item Summary/Recommendation:

A Resolution Authorizing The City Manager Or His Designee Retroactively To Submit The Following Funding Requests: 1) Grant Application To The Federal Emergency Management Agency (FEMA), For Fiscal Year 2005/06 Hazard Mitigation Program Funds, For Funding, In An Amount Not To Exceed \$1,250,000, For Hazard Mitigation Projects, Citywide; And 2) Community Budget Issue Request To The State Of Florida, For Funding In An Amount Not To Exceed \$5,000,000 For Stormwater Infrastructure Improvement Funding; Further Appropriating The Grant And Match, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application.

Advisory Board Recommendation:

N/A

Financial Information:

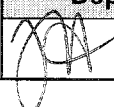
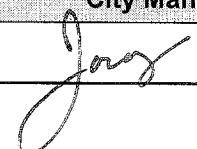
Source of Funds:	Grant #	Grant Name/Project	Grant Amount	Match Amount/Source
 OBPI	1	Hazard Mitigation/FEMA	Not To Exceed \$1,250,000	\$765,000 General Obligation Bond Funds
	2	Stormwater Infrastructure Improvements/Community Budget Issue Request	\$5,000,000	Match Not Required/ (Stormwater Bond Fund)
	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Judy Hoanshelt, Grants Manager, Office Of Budget And Performance Improvement

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



MIAMIBEACH

AGENDA ITEM
DATE

C7F
2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE RETROACTIVELY TO SUBMIT THE FOLLOWING FUNDING REQUESTS: 1) GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FOR FISCAL YEAR 2005/06 HAZARD MITIGATION PROGRAM FUNDS, FOR FUNDING, IN AN AMOUNT NOT TO EXCEED \$1,250,000, FOR HAZARD MITIGATION PROJECTS, CITYWIDE; AND 2) COMMUNITY BUDGET ISSUE REQUEST TO THE STATE OF FLORIDA, FOR FUNDING IN AN AMOUNT NOT TO EXCEED \$5,000,000 FOR STORMWATER INFRASTRUCTURE IMPROVEMENT FUNDING ; FURTHER APPROPRIATING THE GRANT AND MATCH, IF APPROVED AND ACCEPTED BY THE CITY; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS RELATED TO THIS APPLICATION.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

1. Retroactive approval to submit a grant application to The Federal Emergency Management Agency (FEMA), FY 2005/06 Hazard Mitigation Program, For Funding, In An Amount Not To Exceed \$1,250,000, For Hazard Mitigation Activities

The Hazard Mitigation Grant Program (HMGP) is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and is administered by the Federal Emergency Management Agency (FEMA). Funding is provided through grants to States and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The purpose of the program is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster.

The City has submitted an application for funding through the Hazard Mitigation grant program for storm shutters and protective glass for City buildings, in order to mitigate potential future damage to these properties and to protect the lives of persons. The buildings include: Historic City Hall, Police Station, City Hall, Fire Station #3, Fire Station #1, Fleet Management, 1701 Meridian Avenue, 21st Street Recreation Office, 555 17th Street, the Byron Carlyle Theater and the North Shore Community Center.

The buildings listed above require protection in the event of a significant weather event. As a barrier island, Miami Beach is subject to high winds, missile hazards and significant impact damage. The City is replacing many of the existing, and deteriorated shutters with new shutters, installing new shutters on facilities that currently do not have protection and will install protective glass at Historic City Hall. The City intends to apply for Hazard Mitigation funding at buildings that will be constructed and/or renovated in the future.

The application has been submitted and retroactive approval is requested for this application. A 25% match is required of this grant. The City will utilize matching funds from the Miami-Dade County 2004 General Obligation Bonds approved by the voters on November 2, 2004 for the replacement of windows with impact resistant windows as part of the project for restoration of Historic City Hall. Also supports the Key Intended Outcome: Ensure well-maintained facilities.

2. Retroactive approval to submit a grant application to The State of Florida in the form of a Community Issue Budget Request (CBIR) 2006/07 Funding, In An Amount Not To Exceed \$5,000,000, For Stormwater Infrastructure Improvement Funding.

All local governments and districts that want to be considered for funding by the 2006 Legislature must submit a Community Issue Budget Request application for each project. The funding request is then sponsored by State of Florida House and Senate member sponsors. The City is requesting funding in the amount of \$5,000,000 for stormwater infrastructure improvements citywide, as part of the Stormwater Master Plan. The funding request does not require a match, however, the City has matching funds available through the Stormwater Bond program. The funding application was submitted in December 2005. Also supports the Key Intended Outcome: Ensure well-maintained infrastructure.

CONCLUSION

The Administration requests approval to authorize the City Manager or his designee retroactively to submit the following funding requests: 1) grant application to the Federal Emergency Management Agency for Fiscal year 2005/06 Hazard Mitigation Program Funds, in an amount not to exceed \$1,250,000, for hazard mitigation projects, citywide; and 2) a Community Budget Issue Request to the State of Florida, for funding in an amount not to exceed \$5,000,000 for stormwater

Commission Memorandum
Page 3

infrastructure improvement funding; further appropriating the grants and matching funds, if approved and accepted by the City; and authorizing the execution of all necessary documents related to these applications.

JMG/KB/JH

RESOLUTION TO BE SUBMITTED

Condensed Title:

A Resolution Consenting to the Appointment of Thomas Velazquez as Building Director.

Key Intended Outcome Supported:

Attract and Maintain a Quality Workforce.

Issue:

Shall the City Commission consent to the appointment of Thomas Velazquez as Building Director?

Item Summary/Recommendation:

The City has been recruiting for a Building Director since March 2005. While in most Council/Manager governments, City Managers are typically granted broad authority to select key department heads, a provision of the Miami Beach Charter requires consent by the Commission.

Mr. Velazquez comes to us with more than 20 years experience. Most recently, Mr. Velazquez has served as the Building Official for the Broward County Building Code Services Division since 2003. As the Chief Building Inspector for the County, he was charged with the supervision of structural staff to enforce compliance with codes and regulations governing building construction over the unincorporated Broward County as well as 26 cities served by the County.

Mr. Velazquez also served as the Building Official for the Broward County Building Department from 1995-2003. In this capacity, Thomas served as the Building Official for the City of Lauderdale-by-the-Sea, the Town of Southwest Ranches and the Fort Lauderdale Hollywood Airport. His prior positions with the Broward County Building Department include Chief Building Inspector/Assistant Building Official, Structural Plans Examiner and Structural Building Inspector. Prior to joining Broward County, Thomas worked for the Miami-Dade County Public Works Department. A detailed resume and professional summary of Mr. Velazquez's employment history is attached for your review.

Therefore, it is recommended that the Mayor and City Commission adopt this Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

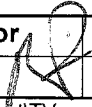
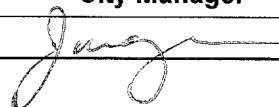
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Kristin McKew, Assistant Director of Human Resources and Risk Management

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMIBEACH

 AGENDA ITEM C7G
 DATE 2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CONSENTING TO THE APPOINTMENT OF THOMAS VELAZQUEZ AS BUILDING DIRECTOR FOR THE CITY OF MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Pursuant to the requirements of Article IV, Section 4.02 of the City Charter, it is recommended that the Mayor and City Commission adopt the Resolution consenting to the appointment of Thomas Velazquez as the Building Director.

ANALYSIS

Mr. Velazquez comes to us with more than 20 years experience. Most recently, Mr. Velazquez has served as the Building Official for the Broward County Building Code Services Division since 2003. As the Chief Building Inspector for the County, he was charged with the supervision of structural staff to enforce compliance with codes and regulations governing building construction over the unincorporated Broward County as well as 26 cities served by the County.

Mr. Velazquez also served as the Building Official for the Broward County Building Department from 1995-2003. In this capacity, Thomas served as the Building Official for the City of Lauderdale-by-the-Sea, the Town of Southwest Ranches and the Fort Lauderdale Hollywood Airport. His prior positions with the Broward County Building Department include Chief Building Inspector/Assistant Building Official, Structural Plans Examiner and Structural Building Inspector. Prior to joining Broward County, Thomas worked for the Miami-Dade County Public Works Department. A detailed resume and professional summary of Mr. Velazquez's employment history is attached for your review.

CONCLUSION

While in most Council/Manager governments, City Managers are typically granted broad authority to select key department heads, a provision of the Miami Beach Charter requires consent by the Commission. Therefore, it is recommended that the Mayor and City Commission adopt this Resolution.

Thomas A. Velazquez

Social Security Number
9913 NW 26th St.
City of Doral, 33172

Office: (954) 765-5075
Cell: (954) 658-1805
E-mail: Tvelazquez@Broward.org

Professional Experience

Building Official 2003-Present
Broward County Building Code Services Division
Duties and Responsibilities

Oversee daily operations of the Division through supervisory staff. Establish policies and procedures. Plan and manage the Division's budget. Enforcement of Building Codes and regulations. Submit reports to the Director, County Administrator and County Commission as required. Supervise the Division's one hundred fifty employees through assistants and supervisors. Interpret the Florida Building Code as required. Attend County Commission meeting. Meet with other government official, civic groups, developers, contractors, and public at large. Ensure the best service to the community with optimum use of resources.

Building Official 1995 - 2003
Broward County Building Department
Building Official for the City of Lauderdale-by-the-Sea, Town of Southwest Ranches, and the Hollywood-Ft. Lauderdale International Airport.
Duties and responsibilities

Fulfill all the duties inherent to the position. For detailed information, read duties and responsibilities above and below

Chief Building Inspector/Assistant Building Official 1992 - 1995
Broward County Building Department
Duties and Responsibilities

As Chief Building Inspector for the County, supervision of the structural staff to enforce compliance with codes and regulations governing building construction over the unincorporated Broward County area and over about twenty six cities served by the County. Supervise and direct supporting staff.

As Assistant Building Official, assist the Building Official in issues regarding Code interpretations, daily operations, establishment of policies and procedures, hiring and training of employees, attend Commission meetings, reports to the Division Director, County manager, and County Commission as required, meet with other government officials, and other duties related to the position. Fill in the Building Official position in his absence

Structural Plans Examiner 1990 - 1992
Broward County Building Department
Duties and Responsibilities

Review blueprints, plans, sketches, and specifications to ensure the design complies with codes and regulations governing building construction. Recommend corrective actions when required.

Structural Building Inspector 1988–1990
 Broward County Building Department
Duties and Responsibilities
 Conduct structural inspections to enforce compliance with codes and regulations governing building construction.

Load Specialist 1982-1988
 Dade County Public Works Department
Duties and Responsibilities
 Classification, analysis, and measurement of construction material and others for proper and safe disposal.

Project Superintendent 1980-1982
 American Builders
Duties and Responsibilities
 Supervision of all phases of Construction.

Education and Certifications

- Bachelor of Civil Engineering • 1968
 (Certification of transcripts attached)
- State Certified General Contractor by the Department of Business and Professional Regulations - State of Florida CGC 38360 • 1986
- Certified Structural Building Inspector by the Board of Rules and Appeals Broward County • 1988
- Certified Structural Plans Examiner by the Board of Rules and Appeals Broward County • 1990
- Certified Chief Building Inspector by the Board of Rules and Appeals Broward County • 1992
- Certified Building Code Administrator by the State Building Code Administrators and Inspectors Board - State of Florida BU 0836 • 1994
- Certified Plans Examiner by the State Building Code Administrators and Inspectors Board - State of Florida PX 0304 • 1994
- Certified Building Inspector by the State Building Code Administrators and Inspectors Board - State of Florida BN 0632 • 1994
- Certified Building Official by the Broward County Board of Rules and Appeals • 1995

Notable Achievements

- Creation, organization, and establishment of the Building Department for the City of Weston.
- Creation, organization, and establishment of the Building Department for the Town of Southwest Ranches.
- Implementation of an electronic system to input inspections results from the field to save time and financial resources to both, the Building Department and costumers.
- Establishment of electronically application of permits for small projects to expedite issuance of permits.
- Standardization of Plan Review and Inspection to expedite issuance of permit, minimize Code errors, and encourage Plan Review and Inspection uniformity, resulting in substantial saving of time and financial resources.
- Introduction of Pre-construction workshops for large project to stimulate coordination between builders and the Building Department for completion of projects on a timely and proper fashion.
- Improvement of the ISO rating, saving millions of dollars on insurance fees to the community.

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA, CONSENTING TO THE
APPOINTMENT OF THOMAS VELAZQUEZ AS BUILDING
DIRECTOR FOR THE CITY OF MIAMI BEACH.**

WHEREAS, the City Manager has appointed Thomas Velazquez to serve as the Building Director for the City of Miami Beach; and

WHEREAS, pursuant to Section 4.02 of the City of Miami Beach Charter, the City Manager has power to appoint directors of City departments with the consent and confirmation of the Mayor and City Commission; and

WHEREAS, the Mayor and City Commission wish to consent and confirm the appointment of Thomas Velazquez as the Building Director for the City of Miami Beach.

NOW, THEREFORE BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission consent and confirm the appointment of Thomas Velazquez as the Building Director for the City of Miami Beach.


PASSED AND ADOPTED this 8th day of February, 2006.

ATTEST:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 2-2-06
City Attorney Date

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Condensed Title:

Resolution authorizing the Administration to issue a Request For Proposals (RFP) for investigative and adjusting service for selected tort liability claims and workers' compensation claims.

Key Intended Outcome Supported:

Ensure expenditure trends are sustainable over the long term.

Issue:

Investigative and adjusting services are a very important part of the City's self-insured Tort Liability and Workers' Compensation Program and help minimize fraudulent claims and protect City assets.

Item Summary/Recommendation:

Investigative (surveillance) and adjusting services are a very important part of the City's self-insured Tort Liability and Workers' Compensation Program. These services help to minimize fraudulent claims and protect the assets of the City. The current contract for this service expires on May 29, 2006. The issuance of a Request for Proposal (RFP) will provide for the continuance of this service.

The Administration recommends approving the Resolution.

Advisory Board Recommendation:

N/A

Financial Information:


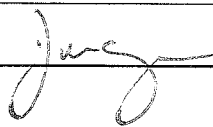
Source of Funds:			
	1	Amount	Account
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	2		
	3		
	4		
	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Cliff Leonard

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR INVESTIGATIVE AND ADJUSTING SERVICES FOR SELECTED TORT LIABILITY CLAIMS AND WORKERS' COMPENSATION CLAIMS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City of Miami Beach requires the services of one to two experienced firms to provide Investigative (surveillance related) and adjusting services for selected tort liability and workers' compensation claims. The City of Miami Beach is self-insured for both tort liability claims and workers' compensation claims (this RFP does not include the Administration of the City's Workers' Compensation program which is under separate contract).

Investigative Services and Adjusting Services are a very important part of the City's self-insured Tort Liability and Workers' Compensation program. These services help to minimize fraudulent claims and protect the assets of the City. The Mayor and City Commission previously authorized the City on May 29, 2002 to contract for this service. The current contract for this service will expire May 29, 2006.

The issuance of the RFP will allow the City to move forward with the selection of an investigative company for investigative and adjusting services for selected tort liability claims and workers' compensation claims.

Scope of Services

1. Provide Surveillance of the claimant for selected Tort Liability and Workers' Compensation Claims
2. Provide Activity Checks of the claimant for selected Tort Liability and Workers' Compensation Claims.
3. Provide "Research and Background Investigations" of claimants for selected Tort and Workers' Compensation Claims.
4. Provide complete investigative and adjusting services for selected Tort Liability Claims.
5. Other related services as requested.
6. Submit a written report with appropriate documentation at the conclusion of each assignment to the Risk Management Division. The report must contain the following minimum information:
 - A. Identify the claimant investigated and provide a written comprehensive report indicating activity performed, summary, and recommendations.
 - B. Provide written background results, surveillance tapes/DVD, and photos.
 - C. Invoice for type of activity and length of activity identifying total amount due.

Contractor Minimum Requirement

1. Must possess a class "A" license issued by the State of Florida. Investigators must possess a "C" or "CC" license.
2. Must possess an "Appointment" as an Adjusting Agency for All-Lines Insurance Claims by the State of Florida.
3. Must have a minimum of ten (10) years verifiable experience.
4. Must be located and locally managed within sixty (60) miles from the City limits of Miami Beach.

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RESOLUTION TO BE SUBMITTED

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Condensed Title:

A Resolution Approving the Issuance of a Purchase Order to Amerigrow Recycling, the Sole Producer of Pine Bark Brown Mulch™ to be Used Citywide, in the Estimated Annual Amount of \$40,000.

Key Intended Outcome Supported:

Maintain Miami Beach Public Areas and Rights of Way Specially in Business Districts.

Issue:

Shall the Commission Adopt the Resolution?

Item Summary/Recommendation:

The Parks and Recreation Department has a request for the purchase of Pine Bark Brown Mulch™, a trademarked mulch from Amerigrow Recycling, in the amount of \$40,000. The mulch produced by Amerigrow has been selected by the Greenspace Management Division because of its color retention, needing less replenishment; texture, this is shredded material that mats well, suppressing weeds, retaining soil moisture, moderating soil temperatures and increasing organic matter in the soil; it is a recycled product remaining from the lumber milling process and its price is less expensive than the traditionally used Cypress mulch.

The Administration recommends approving the resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	\$40,000.00	Greenspace Management Account 011-0940-000343	
	2			
	3			
	4			
	Total	\$40,000.00		


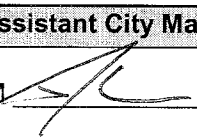
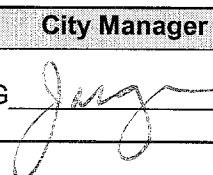
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL _____ KS 	RCM 	JMG 

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MIAMIBEACH

AGENDA ITEM C7I
DATE 2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING PURSUANT TO SECTION 2-367(d) OF THE MIAMI BEACH CITY CODE, THE ISSUANCE OF A PURCHASE ORDER TO AMERIGROW, THE SOLE PRODUCER OF PINE BARK BROWN MULCH™ TO BE USED CITYWIDE, IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

\$40,000 Greenspace Management Account 011-0940-000343

KEY INTENDED OUTCOME SUPPORTED

Maintain Miami Beach Public Areas and Rights of Way Specially in Business Districts

ANALYSIS

The Parks and Recreation Department has a request for the purchase of Pine Bark Brown Mulch™, a trademarked mulch from Amerigrow Recycling, in the amount of \$40,000. The mulch produced by Amerigrow has been selected by the Greenspace Management Division for the following reasons:

- Color, the dark brown color is very attractive, much like the more costly pine bark nuggets mulch often used in resort or high end residential landscapes. It retains its color much longer than the traditional cypress mulch which "grays" soon after installation. As such, it needs to be replenished much less often. The dye used is nontoxic and environmentally friendly.
- Texture; unlike the pine bark nugget mulch this mulch is shredded and therefore "mats" well. This matting characteristic does a better job with; suppressing weeds, retaining soil moisture, moderating soil temperatures and increasing organic matter in the soil.
- Recycled; the mulch is the recycled wood remaining after the log is milled. No Cypress trees or any other trees are cut down just for use as a mulch product.
- Price; less expensive than Cypress mulch.

The delivered cost of the Pine Bark Brown Mulch™ is \$16.50 per Cubic Yard, based on 100 Cu. Yd. full truck load orders. The cost of different types of mulches varies from \$13.50/Cu. Yd for a lower quality mulch such as Melaleuca, to \$24.00/Cu. Yd for the traditional cypress mulch. Melaleuca, much like cypress mulch, "greys" rapidly. Unlike Cypress or the recycled mulch, however, it's consistency is such that it does not mat well and will even float out of landscape beds during heavy rain events.

The option of utilizing mulch generated from the recent hurricanes was considered but ruled out because it would be inappropriate for use as mulch on City properties due to extensive contamination. The hurricane debris and the mulch obtained from it was full of garbage – paper, shredded plastic bags, debris from fences and structures, dirt, and seeds from exotic species. Additionally, the grinders produced a long, stringy sort of mulch which is very difficult to spread evenly. After Hurricane Katrina, the Green Space Management Division attempted utilize this mulch to dress up the Tuttle Causeway site by spreading a 3" to 4" layer of mulch over the impacted area but found it was very difficult to spread evenly at the depth desired. After it was spread the plastic and paper debris was very obvious and a ground crew spent substantial time picking the larger pieces out of the mulch. Consideration was given to using this mulch for planting beds on Tuttle Causeway but after the above experience decided against it. The labor costs of cleaning up the mulch and the extra time it would take to spread it properly would have exceeded the value of the mulch. It was definitely an inferior product.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, adopt the attached resolution pursuant to section 2-367(d) of the Miami Beach City Code, herein approving the issuance of a purchase order to Amerigrow Recycling, the sole producer of Pine Bark Brown Mulch™ to be used Citywide, in the estimated annual amount of \$40,000.



September 8, 2005
(305) 673-7725
Via Fax

Brenda Carbonell
City of Miami Beach
Greenspace Management
2100 Meridian Avenue
Miami Beach, FL 33139

**SUBJECT: SOLE VENDOR FOR
PINE BARK BROWN MULCH™**


Dear Ms. Carbonell:

Amerigrow Recycling's Pine Bark Brown Mulch™ is one of a number of mulches that is produced in our Delray Beach yard. Amerigrow prides itself in producing unique and high quality mulch.

Our Pine Bark Brown Mulch™ is specifically trademarked and engineered to bring a natural look to any landscape project. Pine Bark Brown Mulch™ wood consists of a mixture of clean virgin pine wood and clean, kiln-dried pine and oak wood. There is no pressure treated or painted wood in the mulch. The wood is shredded to a two-inch minus for a uniform look and to prevent floating. Becker Underwood, a national leader in producing high-end mulch colorants, manufactures the black colorant used. This colorant is non-toxic and environmentally safe formulated with binders to minimize color wash off for up to one year. Amerigrow test all their mulch to ensure no harmful contaminants are present. To date no test results have exceeded the EPA clean soil standards.

Amerigrow follows these strict guidelines to ensure the highest quality custom-colored brown mulch in the market. Amerigrow is currently the only vendor to offer this specific type of mulch. If you have any questions please do not hesitate to contact us. We look forward to doing business with you in the future.

Sincerely,


Orlando D. Pagan
Operations

10320 West Atlantic Avenue, Delray Beach, FL 33446
P.O. Box 490007, Delray Beach, FL 33448
amerigrow.com
amerigrow@bellsouth.net
561-499-8148 • Fax 561-498-5896

RESOLUTION TO BE SUBMITTED

Condensed Title:

Accept the City Manager's Recommendation Relative to the Ranking of Firms Pursuant To Request For Qualifications (RFQ) No. 02-05/06, Independent Structural Engineers; Authorizing the Mayor and City Clerk to Execute Professional Agreements upon Completion of Successful Negotiations with The Three (3) Top Ranked Firms.

Key Intended Outcome Supported:

To Maintain and Preserve The Historic Structures of the City's Historic Districts.

Issue:

Shall the City Commission approve the City Manager's recommendation to accept the recommendation related to the ranking of firms and authorize execution of Professional Service Agreements?

Item Summary/Recommendation:

The City of Miami Beach (the "City") has established a goal to use Independent Structural Engineers to act on behalf of the Historic Preservation Board to evaluate and take into consideration any potential methods for retaining and preserving an historic structure, including any application for an after-the-fact certificate of appropriateness for demolitions.

RFQ No. 2-05/06 was issued on November 4, 2005 with an opening date of December 16, 2005. A pre-proposal conference to provide information to firms considering submitting a response was held on November 30, 2005. BidNet issued bid notices to 68 prospective proposers and 19 prospective proposers were notified thru mail, e-mail and fax circulation, which resulted in the receipt of the following six (6): (1) Avart, Inc; (2) Douglas Wood & Associates; (3) LIVS Associates; (4) Pistorino & Alam Consulting Engineers, Inc; (5) Siddiq Khan and Associates, Inc; and (6) William-Russell and Johnson, Inc.

The City Manager via LTC No. 001-2006, appointed an Evaluation Committee ("the Committee"). On January 20, 2006, the Committee convened. After evaluation of proposals and presentation from firms, the Committee unanimously recommended executing professional negotiations with the three (3) top rank firms: 1) Douglas Wood & Associates; 2) Pistorino & Alam Consulting Engineers, Inc.; and 3) Siddiq Khan and Associates, Inc.

The Administration recommends approving the resolution.

Advisory Board Recommendation:

N/A

Financial Information:


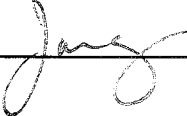
Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> OBPI	1			
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	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Jorge Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

AGENDA ITEM C75
DATE 2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF FIRMS; AUTHORIZING THE ADMINISTRATION TO NEGOTIATE PROFESSIONAL SERVICES AGREEMENTS PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 02-05/06, FOR INDEPENDENT STRUCTURAL ENGINEERS; WITH THE FOLLOWING RANKED FIRMS: 1) DOUGLAS WOOD & ASSOCIATES; 2) PISTORINO & ALAM CONSULTING ENGINEERS, INC; AND 3) SIDDIQ KHAN AND ASSOCIATES, INC; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE PROFESSIONAL SERVICE AGREEMENTS UPON COMPLETION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On October 19 2005, the Mayor and City Commission approved the issuance of Request for Qualifications (RFQ) No. 02-05/06 for Independent Structural Engineers. The RFQ process seeks to select qualified Structural Engineers with expertise in historic structures that would provide the services on an "as-needed basis" and an "on-going basis".

The Independent Structural Engineer would act on behalf of the Historic Preservation Board, and not the property owner, and would be chosen by the Planning Department. The evaluation of the engineer would take into consideration any potential methods for retaining and preserving an historic structure.

The purpose of issuing this RFQ was to select a firm who possesses strong professional qualifications in structural engineering and historical preservation services. Further, this service is projected to comply with the City Intended Outcome to maintain and preserve the continuity structures of its historic districts and to assist the Planning Department with outside support to address the challenges which are inherent to the overall departmental work plan.

This RFQ requested proposals from firms who possess strong professional qualifications in structural engineering and historical preservation services.

TASKS

The following services are examples of the scope of work to be provided by the selected firm pursuant this RFQ selection process:

- The evaluation of the structural condition of an existing building;
- The evaluation of the findings and recommendations of the Engineer of Record;
- A determination as to whether alternate methods are available to stabilize, shore and protect an existing structure; and
- The development of a restoration and rehabilitation plan, if feasible, that would assure the retention and preservation of the existing structure, or its most architecturally significant elevations.

In addition, most of the above-mentioned studies will require the staff resources, degree of specialization, and equipment availability that can be provided only by a consulting firm.

RFQ No. 2-05/06 was issued on November 4, 2005 with an opening date of December 16, 2005. A pre-proposal conference to provide information to firms considering submitting a response was held on November 30, 2005. BidNet issued bid notices to 68 prospective proposers and 19 prospective proposers were notified thru mail, e-mail and fax circulation, which resulted in the receipt of the following six (6):

1. AVART, INC.
2. DOUGLAS WOOD & ASSOCIATES
3. LIVS ASSOCIATES
4. PISTORINO & ALAM CONSULTING ENGINEERS, INC.
5. SIDDIQ KHAN AND ASSOCIATES, INC.
6. WILLIAM-RUSSELL AND JOHNSON, INC.

The City Manager via Letter to Commission (LTC) No. 001-2006, appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

- William Cary, Assistant Director, Planning Department
- Syed Ashraf, Chief Structural Examiner, Building Department
- Alan Hall, Historic Preservation Board Member
- Jorge Cano, Assistant Director, CIP
- Arshad Vigar, Civil Engineers III, Public Works Department.

On January 20, 2006, the Committee convened. All the Committee members were able to attend. The Committee was provided information on the scope of the project by William Cary, Assistant Director of the Planning Department, and staff from the City's Procurement Division. The Committee unanimously nominated Mr. Alan Hall as Chair of the Committee. The Committee was also provided presentations by almost all companies who provided a response to this RFQ. LIVS Associates decided not to participate on the presentation process due to internal conditions at the firm. In addition, the Committee members were provided by the Procurement Division with references for all the firms being evaluated. Following is the Evaluation Criteria which was used to evaluate and rank the consultants:

- A. The experience, qualifications and portfolio of the Principal firm **(15 points)**.
- B. The experience, qualifications and portfolio of the Project Manager **(20 points)**.
- C. The experience and qualifications of the professional personnel assigned to the Project Team **(25 points)**.
- D. Willingness to meet time and budget requirements as demonstrated by past performance **(5 points)**.
- E. Certified minority business enterprise participation **(5 points)**. Either the Prime Consultant or the sub-Consultant team may qualify for proof of certification for minority business enterprise participation. Accepted minority business enterprise certifications include the Small Business Administration (SBA), State of Florida, or Miami-Dade County.
- F. Location **(5 points)**.
- G. Recent, current, and projected workloads of the firms **(5 points)**.
- H. The volume of work previously awarded to each firm by the City **(5 points)**.
- I. Demonstrated successful similar projects **(15 points)**.

After evaluation of proposals and presentations from Consultants, the Committee discussed the evaluation criteria as well as various options in ranking all the firms. It was the Committee's overall opinion that only three (3) firms scored high enough to be deemed qualified to provide services to the City. A motion was recommended by Mr. Alan Hall (Chair) and, seconded by and approved by all Committee members for Douglas Wood & Associates, Pistorino & Alam Consulting Engineers, and Siddiq Khan and Associates, Inc to be recommended for potential award of contracts, adding that this option would be the most flexible and advantageous option for the City and the Planning Department. The final scoring was as follows:

RFQ No 02-05/06 INDEPENDENT STRUCTURAL ENGINEERS	William Cary	Syed Ashraf	Alan Hall	Jorge Cano	Arshad Vigar	TOTALS
AVART, INC	66 (5)	57 (5)	65 (5)	64 (5)	67 (5)	319
DOUGLAS WOOD & ASSOCIATES	95 (1)	77 (1)	89 (1)	91 (2)	89 (1)	441
LIVS ASSOCIATES	56 (6)	59 (4)	57 (6)	62 (6)	63 (6)	297
PISTORINO & ALAM CONSULTING ENGINEERS, INC.	90 (2)	75 (2)	73 (2)	93 (1)	88 (2)	419
SIDDIQ KHAN AND ASSOCIATES, INC.	85 (3)	70 (3)	72 (3)	79 (3)	87 (3)	393
WILLIAM-RUSSELL AND JOHNSON, INC	71 (4)	53 (6)	70 (4)	69 (4)	70 (4)	333

RFQ No. 02-05/06	(#s 1)	(#s 2)	(#s 3)	(#s 4)	(#s 5)	(#s 6)
AVART, INC	0	0	0	0	5	0
DOUGLAS WOOD & ASSOCIATES	4	1	0	0	0	0
LIVS ASSOCIATES	0	0	0	1	0	4
PISTORINO & ALAM CONSULTING ENGINEERS, INC.	1	4	0	0	0	0
SIDDIQ KHAN AND ASSOCIATES, INC.	0	0	5	0	0	0
WILLIAM-RUSSELL AND JOHNSON, INC	0	0	0	4	0	1

FINAL RANKING ORDER:

1. DOUGLAS WOOD & ASSOCIATES
2. PISTORINO & ALAM CONSULTING ENGINEERS, INC.
3. SIDDIQ KHAN AND ASSOCIATES, INC.
4. WILLIAM-RUSSELL AND JOHNSON, INC.
5. AVART, INC.
6. LIVS ASSOCIATES

CONCLUSION

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, accepting the recommendation of the City Manager pertaining to the ranking of firms; Authorizing the Administration to negotiate Professional Services Agreements pursuant to Request for Qualifications (RFQ) No. 02-05/06, for Independent Structural Engineers; with the following ranked firms: 1) Douglas Wood & Associates; 2) Pistorino & Alam Consulting Engineers, Inc.; and 3) Siddiq Khan and Associates, Inc.; and further Authorizing the Mayor and City Clerk to execute Professional Service Agreements upon completion of successful negotiations by the Administration.

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RESOLUTION TO BE SUBMITTED

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Condensed Title:

Resolution: Approval of a Preconstruction Application for Historic Ad Valorem Tax Exemption for the Single-Family Property at 5645 North Bay Road.

Key Intended Outcome Supported:

Retention and rehabilitation of a locally designated historic single-family property.

Issue:

The Administration is requesting that the Mayor and City Commission consider the proposed resolution, which would approve a Preconstruction Application for Historic Ad Valorem Tax Exemption for a single-family property located at 5645 North Bay Road.

Item Summary/Recommendation:

Adopt the proposed resolution.

Advisory Board Recommendation:

On May 11, 2004, the Historic Preservation Board approved the individual designation of the single-family residence at 5645 North Bay Road as an historic structure.

On August 11, 2004, the Planning Department reviewed and administratively approved a Certificate of Appropriateness for the proposed improvements to the subject single-family property.

On October 11, 2005, the Historic Preservation Board voted in favor of recommending that the Mayor and City Commission approve a Preconstruction Application for Historic Ad Valorem Tax Exemption for the single-family property at 5645 North Bay Road.

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

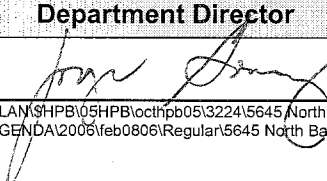
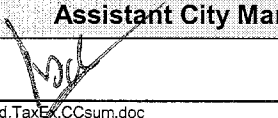
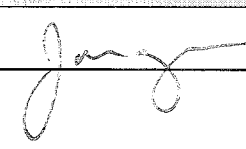
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Thomas R. Mooney, Design & Preservation Manager; Shannon M. Anderton, Senior Planner.

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RECOMMENDING APPROVAL OF A PRECONSTRUCTION APPLICATION FOR HISTORIC AD VALOREM TAX EXEMPTION FOR A SINGLE-FAMILY PROPERTY AT 5645 NORTH BAY ROAD, AND AUTHORIZING THE MIAMI-DADE COUNTY PROPERTY APPRAISER'S OFFICE TO GRANT SAID TAX EXEMPTION FOR THE CITY'S PORTION OF AD VALOREM PROPERTY TAXES FOR QUALIFYING IMPROVEMENTS TO THE SUBJECT PROPERTY FOLLOWING SUBSTANTIAL COMPLETION OF THE PROJECT AND COMPLIANCE WITH CERTAIN CONDITIONS.**

ADMINISTRATION RECOMMENDATION

The Administration is requesting that the Mayor and City Commission adopt the proposed resolution, thereby approving a Preconstruction Application for Historic Ad Valorem Tax Exemption for a single-family property located at 5645 North Bay Road.

HISTORIC SINGLE-FAMILY AD VALOREM TAX EXEMPTION

On December 8, 2004, the City of Miami Beach enacted legislation that authorizes an exemption for its portion of ad valorem taxes for improvements to historically designated single-family homes (Sections 118-600 to 118-612 of the Miami Beach City Code). This legislation allows for the City's portion of property taxes to be "frozen" at the rate they were assessed before qualifying improvements are made to an historic single-family home for a period of ten (10) years. The "freezing" is accomplished by removing from the assessment the incremental value added by the qualifying improvements. Only the incremental value of the qualifying improvements shall be "frozen" for the ten year period.

Qualifying improvements are the result of restoration, renovation, rehabilitation and/or compatible additions to an historic single-family property. In order for an improvement to qualify for an exemption, the improvement must be determined by the Historic Preservation Board and City Commission to be consistent with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness Criteria in Section 118-564 of the Miami Beach City Code. However, the Miami-Dade County Property Appraiser's Office will make the final determination of whether an improvement qualifies for an exemption.

The application for Historic Ad Valorem Tax Exemption is a two step process. The "Part 1 – Preconstruction Application" is submitted to the Planning Department prior to any construction or demolition for an eligible single-family property. The "Part 2 – Review of

Completed Work” is submitted to the Planning Department upon substantial completion of the project.

Upon submittal of a completed Part 1 - Preconstruction Application, the Planning Department will schedule the request for approval of Historic Ad Valorem Tax Exemption from the Historic Preservation Board at their next regularly scheduled meeting. The Board will review and make a recommendation to the City Commission to grant or deny an application for tax exemption.

The Planning Department will transmit the request for approval of Historic Ad Valorem Tax Exemption, together with the Part 1 – Preconstruction Application and the recommendations of the Historic Preservation Board and staff, for final consideration by the City Commission at a regularly scheduled meeting. A majority vote of the City Commission is required to approve an application for tax exemption.

For final approval of an Historic Ad Valorem Tax Exemption, the applicant must submit to the Planning Department the Part 2 – Review of Completed Work upon substantial completion of the project. A review will be conducted by Planning Department staff to determine whether or not the completed improvements are in compliance with the work approved by the City Commission in the Part 1 - Preconstruction Application. To qualify for a tax exemption, the property owner is required to enter into a covenant or agreement with the City guaranteeing that the character of the property and its qualifying improvements will be maintained during the period that the exemption is granted.

LEGAL DESCRIPTION

The subject property is located at 5645 North Bay Road or, more specifically, on Lot 1 and the north half of Lot 2, in Block 10, La Gorce Golf Subdivision, as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida. Said lands located, lying, and being in the City of Miami Beach, County of Miami-Dade, Florida.

EXISTING STRUCTURE

Constructed in 1931 and designed by noted architect Carlos B. Schoeppl, the subject single-family home is an excellent example of the Mediterranean Revival style of architecture as applied to a residential setting. The distinctive one- and two-story residence has an L-shaped plan with a two-story rotunda linking its original wings at the corner. It features a pronounced corner entrance with an exterior winding stair leading to an open, circular lookout tower/rotunda as well as pitched terra cotta tile roofs, expansive recessed window and doorway arches, exposed articulated roof rafters, and carefully integrated landscape planters. The home is a perfect example of a well designed corner property, and it is characteristic of the early development period of Miami Beach.

BACKGROUND

The property owners, Robert and Maria Cherry, submitted to the Planning Department a request for designation as an historic structure, a Certificate of Appropriateness, and an Historic Ad Valorem Tax Exemption for the single-family property located at 5645 North Bay Road.

On May 11, 2004, the Historic Preservation Board held a public hearing and voted unanimously to approve (7 to 0) the individual designation of the single-family residence located at 5645 North Bay Road as an historic structure (HPB File No. 2254, formerly 2220).

On August 11, 2004, the Planning Department reviewed and administratively approved a Certificate of Appropriateness for the proposed rehabilitation and restoration of the existing historic single-family home, the construction of a covered terrace, and the demolition of two one-story portions of the house with attached landscape walls and planters in order to accommodate two one-story additions and a two-story addition. The project was consistent with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness Criteria in Section 118-564 of the Miami Beach City Code. It also complied with the regulations for improvements to single-family homes that are designated as historic structures in Section 118-591(g)(5) of the Miami Beach City Code. A building permit was issued by the City for the project on September 17, 2004.

On October 11, 2005, the Historic Preservation Board voted unanimously (4 to 0; 2 absences and 1 vacancy) in favor of recommending that the Mayor and City Commission approve a Preconstruction Application for Historic Ad Valorem Tax Exemption for the single-family property at 5645 North Bay Road. Thereby, the Board certified that the subject single-family property for which an exemption is requested is eligible and satisfies Section 118-602(a) of the Miami Beach City Code. The Board also determined that the improvements to the subject single-family property were consistent with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness Criteria in Section 118-564 of the Miami Beach City Code, in accordance with Section 118-602(b).

SCOPE OF PROJECT

In brief, the project included the improvements to the historic residence and site indicated below.

A. Exterior Architectural Features

1. Demolition of a one-story portion of the house with an attached landscape wall and planter at the northeast corner of the property. This small section was originally a one-car garage that was later converted into a den and laundry room. Construction of a new one-story addition in the same location to accommodate a one-car garage, bathroom, and family room. The design of the new addition is compatible with the existing historic architectural vocabulary of the residence.
2. Construction of a new covered terrace on the south elevation of the existing home, which connects to the existing kitchen and faces the new patio and pool at the rear of the property. The design of the new terrace is carefully integrated into the historic home.
3. Demolition of a one-story portion of the house with an attached landscape wall and planter at the southwest corner of the property. This small section was a part of the original master bedroom. Construction of a new one- and two-story addition in the same location to accommodate an additional two bedrooms and two bathrooms on the first floor with a master bedroom and bathroom above. The original master bedroom was rebuilt as a third

bedroom on the first floor with the existing attached bathroom remaining. A circular stairway in the new rotunda connects the first and second floors of this addition. The design of the new addition is compatible with the existing historic architectural vocabulary of the residence.

B. Interior Architectural Features

(The interior improvements indicated below do not qualify for the tax exemption.)

1. Installation of new floor finishes on the first floor and circular stairway of the existing home.

C. Landscape Features

(The landscape and site improvements indicated below do not qualify for the tax exemption.)

1. Removal of the existing driveway and installation of a new, wider driveway in the same location facing West 57th Street.
2. Installation of a new swimming pool and patio at the rear of the property.
3. Introduction of new landscaping within the existing trees and plant materials on the property.

FISCAL IMPACT

According to the applicant, the estimated cost of the entire project for the subject single-family property is \$757,884; and of this figure, the value of the proposed qualifying improvements is \$697,884. The project commenced in October of 2004 and was substantially completed in October of 2005.

Please note that the revenue implication calculation provided below is a rough approximation. It assumes that the Miami-Dade County Property Appraiser's Office will not reduce the actual square footage of the additions to adjusted square footage. It assumes that the City's millage rate, the building market value, as well as the building class and grade value will remain the same. It is also based solely on the estimated value of the new additions and not to any repairs to the historic residence.

The Miami-Dade County Property Appraiser's Office determined in 2005 that the subject property has an adjusted square footage of 2,104 and a building value of \$85,591. This low building value is down from \$139,833 in 2004 due to depreciation, as advised by the Property Appraiser's Office. The Property Appraiser's Office also advised that the subject property has an effective building value per adjusted square foot of \$132, which is based upon its building class and grade. According to the applicant, the proposed actual square footage of the qualifying building additions for the site is 3,592. Then the estimated value of the proposed increase in square footage would be \$474,100. The most recent millage rate for the City of Miami Beach is 7.481 as of 2005. Assuming there is no change in millage rate over the ten year period in which the exemption is granted, the applicant will save annually \$3,550 from Miami Beach's portion of property taxes. Again, this calculation is a rough estimate of the revenue implication to the City due to many variables.

ANALYSIS

In accordance with Section 118-604 of the Miami Beach City Code, an eligible single-family property must file a written application for Historic Ad Valorem Tax Exemption with the Planning Department prior to any construction or demolition. It also states that: *"Notwithstanding the foregoing, the owner of any individually designated historic property where construction or demolition has commenced (but not completed) prior to the effective date of this ordinance may file an application for an ad valorem tax exemption under this section."* The tax exemption ordinance was adopted by the City Commission on December 8, 2004. Relative to this particular application, the subject single-family property was individually designated as an historic structure in May of 2004 and a Certificate of Appropriateness for the project was approved administratively in August of 2004. The project commenced in October of 2004 and was substantially completed in October of 2005. Thereby, the subject single-family property is eligible to apply for an Historic Ad Valorem Tax Exemption.

The applicant is to be commended for a well conceived project that retains the historic integrity of the 1931 single-family home. While certain original elements had to be removed in order to construct the new additions, this historic home maintains a high degree of its architectural integrity, as evidenced by the original architectural drawings and an historic postcard, and appears to be in good condition. The building's exterior retains most of its original features, details and materials. Minor modifications to the residence include the enclosure of the original garage in 1968, the remodeling and interior expansion of the original kitchen into the former chauffeur's room in 1988, as well as the replacement of its windows with an architecturally compatible design to the original around 2003. Although a building permit was issued in 1964 for a one-story living room addition on the home's south and east elevations facing the rear yard, it does not appear that it was ever constructed.

It is very important that the current owners have chosen to preserve and expand this historic home, rather than to demolish and replace it. The proposed new additions are well within the scale and massing of the existing home and the surrounding single-family neighborhood. The new construction is in keeping with the architectural vocabulary of the original structure and does not overwhelm the site. The historically significant home is an asset to the neighborhood.

In view of the foregoing analysis, and consistency with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness Criteria in Section 118-564 of the Miami Beach City Code, the Administration recommends in favor of the Preconstruction Application for Historic Ad Valorem Tax Exemption for the single-family residence at 5645 North Bay Road.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RECOMMENDING APPROVAL OF A PRECONSTRUCTION APPLICATION FOR HISTORIC AD VALOREM TAX EXEMPTION FOR A SINGLE-FAMILY PROPERTY AT 5645 NORTH BAY ROAD, AND AUTHORIZING THE MIAMI-DADE COUNTY PROPERTY APPRAISER'S OFFICE TO GRANT SAID TAX EXEMPTION FOR THE CITY'S PORTION OF AD VALOREM PROPERTY TAXES FOR QUALIFYING IMPROVEMENTS TO THE SUBJECT PROPERTY FOLLOWING SUBSTANTIAL COMPLETION OF THE PROJECT AND COMPLIANCE WITH CERTAIN CONDITIONS.

WHEREAS, the Mayor and City Commission have deemed it in the best interest and welfare of the City of Miami Beach ("City") to provide financial incentives for the retention and rehabilitation of architecturally and historically significant single-family homes in Miami Beach; and

WHEREAS, on December 8, 2004, the Miami Beach City Commission adopted Ordinance No. 2004-3469 that authorizes an exemption for the City's portion of ad valorem taxes if qualifying improvements are made to historically designated single-family homes; and

WHEREAS, Robert and Maria Cherry, the owners of real property located at 5645 North Bay Road (Lot 1 and the north half of Lot 2, in Block 10, La Gorce Golf Subdivision, as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida), submitted requests to the City's Planning Department for the following: a) designation of the property as an historic structure, b) a Certificate of Appropriateness, and c) an Historic Ad Valorem Tax Exemption for the subject property; and

WHEREAS, on May 11, 2004, the City's Historic Preservation Board held a public hearing and voted unanimously (7 to 0) to approve the individual designation of the single-family residence at 5645 North Bay Road as an historic structure [**Exhibit "A"**]; and

WHEREAS, on August 11, 2004, the Planning Department reviewed and administratively approved a Certificate of Appropriateness for the proposed improvements to the subject single-family property; and

WHEREAS, on October 11, 2005, the Historic Preservation Board voted unanimously (4 to 0; 2 absences and 1 vacancy) in favor of recommending that the Mayor and City Commission approve a Preconstruction Application for Historic Ad Valorem Tax Exemption for qualifying improvements to the historically designated single-family property at 5645 North Bay Road [**Exhibit "B"**]; and

WHEREAS, the Historic Preservation Board has certified that the subject single-family property for which an exemption is requested is eligible and satisfies Section 118-602(a) of the Miami Beach City Code; and

WHEREAS, the Historic Preservation Board has determined that the improvements to the subject single-family property are consistent with the Secretary of the Interior's Standards for

Rehabilitation and the Certificate of Appropriateness criteria in Section 118-564 of the Miami Beach City Code, in accordance with Section 118-602(b); and

WHEREAS, the City's Planning Department has recommended that this request for a tax exemption for the subject single-family property be granted, subject to all of the conditions set forth herein.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that a Preconstruction Application for Historic Ad Valorem Tax Exemption for the subject single-family property at 5645 North Bay Road be approved, subject to the following conditions:

1. Scope of Tax Exemption. The exemption shall apply to one hundred (100) percent of the assessed value of all qualifying improvements to the single-family property that result from restoration, renovation, rehabilitation, and/or compatible additions. The exemption applies only to taxes levied by the City of Miami Beach. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to the Miami Beach City Code or the Florida Constitution. The exemption does not apply to personal property or to properties located within a community redevelopment area. The Miami-Dade County Property Appraiser's Office will make the final determination of whether an improvement qualifies for an exemption.
2. Approved Qualifying Improvements. The qualifying improvements to the subject single-family property delineated below are considered to be eligible for the tax exemption, as submitted to and approved by the City's Historic Preservation Board.
 - A. Exterior Architectural Features
 - 1) Demolition of a one-story portion of the house with an attached landscape wall and planter at the northeast corner of the property. This small section was originally a one-car garage that was later converted into a den and laundry room. Construction of a new one-story addition in the same location to accommodate a one-car garage, bathroom, and family room. The design of the new addition is compatible with the existing historic architectural vocabulary of the residence.
 - 2) Construction of a new covered terrace on the south elevation of the existing home, which connects to the existing kitchen and faces the new patio and pool at the rear of the property. The design of the new terrace is carefully integrated into the historic home.
 - 3) Demolition of a one-story portion of the house with an attached landscape wall and planter at the southwest corner of the property. This small section was a part of the original master bedroom. Construction of a new one- and two-story addition in the same location to accommodate an additional two bedrooms and two bathrooms on the first floor with a master bedroom and bathroom above. The original master bedroom was rebuilt as a third bedroom on the first floor with the existing attached bathroom remaining. A circular stairway in the new rotunda connects the

first and second floors of this addition. The design of the new addition is compatible with the existing historic architectural vocabulary of the residence.

3. Duration of Tax Exemption. The exemption shall take effect on the January 1st following substantial completion of the improvements. The exemption shall remain in effect for ten (10) years. The duration of ten (10) years shall continue regardless of any change in the authority of the City of Miami Beach to grant such exemptions or any changes in ownership of the property.
4. Required Covenant. The property owner shall enter into a covenant with the City of Miami Beach for the term for which the exemption is granted. The covenant shall be form approved by the City Attorney and shall require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. Before the effective date of the exemption, the owner of the property shall have the covenant recorded in the official records of Miami-Dade County, Florida. The covenant shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant shall result in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3).
5. Building Permit Plans and Construction. Building permit plans shall be consistent with the Certificate of Appropriateness approved administratively by the Planning Department. Said plans must also accurately reflect all improvements approved by the Historic Preservation Board and City Commission in the Preconstruction Application and architectural drawings for the single-family property. All work on site must be in accordance with the building permit plans.
6. Amendments. All proposed amendments to the approved application and permit plans must be reviewed and approved prior to the completion of the improvements. Minor amendments to permit plans may be approved by the Planning Department provided such amendments are consistent with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness criteria in Section 118-564 of the Miami Beach City Code. Major amendments to the approved plans, as determined by the Planning Department, must be reviewed and approved by the Historic Preservation Board.
7. Completion of Work. The applicant must complete all work shown in the building permit plans within two (2) years following the date of approval by the City Commission. An application for tax exemption shall be automatically revoked if the property owner has not submitted a final request for Review of Completed Work within two (2) years following the date of approval by the City Commission. The Historic Preservation Board may extend the time for substantial completion of an improvement for a period not to exceed two (2) years, or such lesser time as may be prescribed by the Board.
8. Review of Completed Work. The applicant shall submit a request for Review of Completed Work to the Planning Department no less than 30 calendar days prior to the effective date of expiration of approval by the City Commission, as may be extended by

the Historic Preservation Board. The Planning Department shall conduct a review to determine whether or not the completed improvements are in compliance with the work approved by the City Commission, including any approved amendments. If the Planning Department determines that the work is in compliance, the final request for Review of Completed Work shall be approved and issued in writing to the applicant. If the Planning Department determines that the work as completed is not in compliance, the applicant will be advised in writing that the final request for Review of Completed Work has been denied. A written summary of the reasons for the determination will be provided, including recommendations concerning the changes to the proposed work necessary to bring it into compliance. The applicant may file an appeal of the decision of the Planning Department within 15 days of such decision. The appeal shall be in writing and shall be to the Historic Preservation Board and shall set forth the factual and legal bases for the appeal.

9. Notice of Approval to the Property Appraiser. Upon the receipt of a certified copy of the recorded restrictive covenant, the Planning Department shall transmit a copy of the approved request for Review of Completed Work, the exemption covenant, and the resolution of the City Commission approving the final application and authorizing the tax exemption to the Miami-Dade County Property Appraiser's Office. Final verification of substantial completion of the improvements shall be determined by the Miami-Dade County Property Appraiser's Office. If final verification of substantial completion and approval are given by the Miami-Dade County Property Appraiser's Office, the exemption shall take effect on the January 1st following substantial completion of the improvements.

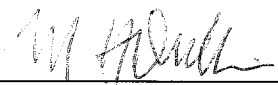
PASSED and **ADOPTED** this _____ day of _____, 2006.


MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO FORM & LANGUAGE
& FOR EXECUTION:**

 1-31-06

CITY ATTORNEY  **DATE**

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T:\AGENDA\2006\feb0806\Regular\5645 North Bay Rd.TaxEx.CCreso.doc

Exhibit "A"

**Single-Family Property at
5645 North Bay Road**

1. Historic Designation Final Order of the Historic Preservation Board
(HPB File No. 2254, formerly 2220)
2. Historic Structure Designation Report

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: May 11, 2004

PROPERTY: 5645 North Bay Road

FILE: 2254 (formerly 2220)

LEGAL: Lot 1 and north ½ of Lot 2 of Block 10, in LaGorce Subdivision, as recorded in Plat Book 14, on Page 43, Public Records of Miami-Dade County, Florida.

IN RE: The application requesting that the Historic Preservation Board approve the designation of an existing single family home as an historic structure.

ORDER

The applicants, Mr. and Mrs. Robert Cherry, filed an application with the City of Miami Beach Planning Department for the designation of an existing single family home as an historic structure

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Designation Report, the subject home is consistent with the Designation Criteria listed in Section 118-592 of the Miami Beach City Code.
- B. In order for the subject single family home to remain consistent with the designation criteria and requirements of section 118-592, the following conditions shall be met:
 - 1. **Site Boundaries:** The boundaries of the historic designation shall consist of the existing structure only, on Lot 1 and north ½ of Lot 2 of Block 10, in LaGorce Subdivision, as recorded in Plat Book 14, on Page 43, Public Records of Miami-Dade County, Florida.
 - 2. **Areas Subject to Review:** The historic structure shall be subject to Section 118-591 (f) of the Land Development Regulations of the City Code.
 - 3. **Review Guidelines:** The application for a Certificate of Appropriateness shall be based upon Section 118-591 (f) of the Land Development Regulations of the City Code.
 - 4. **Condition of Approval:** The board's action designating the structure as an historic structure will become effective within ten (10) days of the date of the Board's action. Notwithstanding the foregoing, if the Flood Plain Management Board does not grant Flood Plain Variance Application No. FP04-03 in its entirety within six (6) months of the date of the Board's action, the historic designation of the structure will expire and become null and void.

5. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the Designation Report prepared by the Planning Department, which is adopted herein, including the staff recommendations, that the request for the subject structure to be designated as an Historic Structure is GRANTED subject to those certain conditions specified in paragraph B of the Findings of Fact (Conditions No. 1 - 5, inclusive) hereof, to which the applicant has agreed.

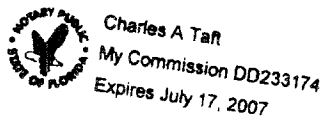
Dated this 1 day of June, 2004.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: Thomas R. Mooney
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 1st day of JUNE 2004 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Charles A. Taft
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form: gHeld
Legal Department: _____ (5-27-04)

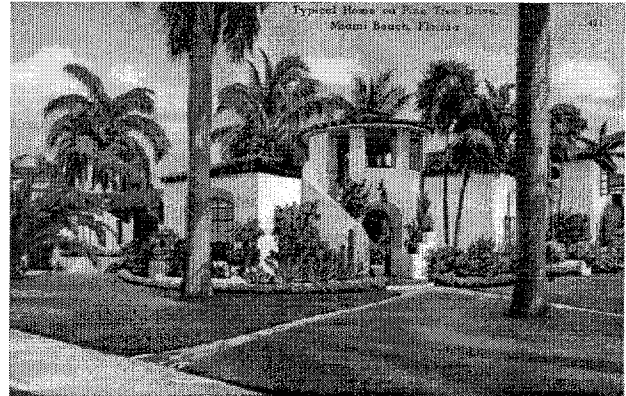
Filed with the Clerk of the Historic Preservation Board on 6/1/04 (at)

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SINGLE-FAMILY RESIDENCE AT 5645 NORTH BAY ROAD

HISTORIC STRUCTURE

DESIGNATION REPORT



PREPARED BY

CITY OF MIAMI BEACH PLANNING DEPARTMENT

Jorge G. Gomez, AICP, Director, Planning Department
William H. Cary, Assistant Planning Director
Thomas R. Mooney, AICP, Design and Preservation Manager
Shannon Anderton, Senior Planner
Michael Belush, Senior Planner

CITY OF MIAMI BEACH HISTORIC PRESERVATION BOARD

Mitch Novick, Chair
Beth Dunlop, Vice Chair
Judith Berson-Levinson, Ed.D.
Allan Hall
Carrie Penabad
Randall Robinson
William Taylor

May 11, 2004

HPB File No. 2254 (formerly 2220)
Adopted on May 11, 2004
Minor Revisions October 6, 2005

I. REQUEST

The applicants, Mr. and Mrs. Robert Cherry, are requesting that the Historic Preservation Board approve a request for the designation of an existing single-family home as an historic structure.

II. DESIGNATION PROCESS

The process of designation for historic structures is delineated in Section 118-591(f) in the Land Development Regulations of the City Code. An outline of this process is provided below:

Step One: An application for the individual designation of a single-family home as an historic structure is submitted by the property owner to the Planning Department for recommendation to the Historic Preservation Board. The Board will make a determination as to whether the single-family home may be designated as an historic structure based upon the requirements and criteria of Section 118-592 in the Land Development Regulations of the City Code.

Step Two: Upon receipt of a completed application package, the Planning Department prepares a Designation Report that will be presented to the Historic Preservation Board at a regularly scheduled meeting. The Designation Report is an historical and architectural analysis of the proposed historic structure.

Step Three: The Designation Report is presented to the Historic Preservation Board at a public hearing. If the Board finds that the proposed single-family designation application meets the criteria set forth in Section 118-592 of the Land Development Regulations in the City Code, it may formally adopt the single-family home as a local historic structure. No public hearing is required before the Planning Board or City Commission. Upon the designation of a single-family home as an historic structure, the structure is subject to the Certificate of Appropriateness requirements of Article X in the Land Development Regulations of the City Code, with the exception of the interior areas of the structure (which are not subject to such regulations).

III. RELATION TO ORDINANCE CRITERIA

1. In accordance with Section 118-592 in the Land Development Regulations of the City Code, eligibility for designation is determined on the basis of compliance with the listed criteria set forth below.

(a) The Historic Preservation Board shall have the authority to recommend that properties be designated as historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites or historic districts if they are significant in the historical, architectural, cultural, aesthetic or archeological heritage of the city, the county, state or nation. Such properties shall possess an integrity of location, design, setting, materials, workmanship, feeling or association and meet at least one (1) of the following criteria:

(1) Association with events that have made a significant contribution to the history of the city, the county, state or nation;

(2) Association with the lives of persons significant in the city's past history;

- (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;
 - (4) Possesses high artistic values;
 - (5) Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
 - (6) Have yielded, or are likely to yield information important in pre-history or history;
 - (7) Be listed in the National Register of Historic Places;
 - (8) Consist of a geographically definable area that possesses a significant concentration of sites, buildings or structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction.
- (b) A building, structure (including the public portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.
2. The single-family residence at 5645 North Bay Road is eligible for designation as an historic structure as it complies with the criteria as specified in Section 118-592 in the Land Development Regulations of the City Code outlined above.
- (a) Staff finds the proposed historic site to be eligible for historic designation and in conformance with the designation criteria for the following reasons:
- (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;

The single-family residence at 5645 North Bay Road is an excellent example of the Mediterranean Revival style of architecture. The distinctive one- and two-story corner residence is characterized by a most pronounced corner entrance with an exterior winding stair leading to an open, circular look out tower, pitched terra cotta tile roofs, expansive recessed window and doorway arches, exposed articulated roof rafters, and well integrated landscape walls and planters. The home is a perfect example of a well designed corner property, characteristic of the early development period of Miami Beach.
 - (4) Possesses high artistic values;

The many defining features of the house add character to the neighborhood, are complimentary to each other, and are well refined design elements that embody the spirit of Mediterranean Revival architecture. The carefully executed design was clearly done with the highest regard to the character of the house and the neighborhood in which it rests, as evidenced by the careful attention to detail expressed throughout the design.

- (5) Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;

Carlos B. Schoeppl (1898-1990) made a substantial contribution to the character of Miami Beach's residential neighborhoods. The architect of dozens of single-family homes and multi-family homes from the 1920s through at least the 1950s, his design style included Mediterranean Revival, Mediterranean Revival-Art Deco, Mission, Monterey, Streamline Moderne, and Post War Modern.

- (b) A building, structure (including the public portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.

The single-family residence at 5645 North Bay Road has not been significantly altered. The windows have been replaced; however, the design integrity of the original structure has been well maintained over the years.

IV. DESCRIPTION OF BOUNDARIES

The subject property is located at 5645 North Bay Road on Lot 1 and the north half of Lot 2, in Block 10, La Gorce Golf Subdivision, as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida.

V. PRESENT OWNER

The present owners of the subject property are Mr. and Mrs. Robert Cherry.

VI. PRESENT USE

The original and current use of the subject property is single-family residential.

VII. PRESENT ZONING DISTRICT

The subject property is located in the RS-4 or Residential Single-Family Zoning District.

VIII. HISTORICAL AND ARCHITECTURAL BACKGROUND

5645 North Bay Road

The single-story residence was originally designed by Carlos B. Schoeppl in the Mediterranean Revival style in 1931.

In addition to satisfying the criteria for evaluation as noted above, the building has retained its strong integrity over the years. The property, located in a prominent residential single-family area of the city, is complemented by its setting and relationship with numerous other single-family homes of similar scale in various design styles. Its distinctive character contributes greatly to the streetscape of its residential neighborhood. The Mediterranean Revival design is carefully executed, in harmony with the surrounding landscape. The building's proportion, scale, massing and use of materials are reflective of Mediterranean Revival architecture.

The building's exterior retains nearly all of its original features, details and materials, with the exception of its windows, which have been replaced with an architecturally compatible design to the original. The building's well integrated planters around the perimeter have been maintained, as well as the two curving wing walls that act as the terminus to the design along the street elevations.

The outstanding workmanship of the property is evident in the sensual curves of the building, from the wing walls, to the exterior curved stair at the entry, to the arched windows and doors, and the various planter beds that are integrated into the architecture. An undated postcard of the subject property, taken from the Florida Photographic Collection, appears to be mislabeled as "Typical Home on Pine Tree Drive" (see cover photo). As evidenced by the house's architecture and landscaping, clearly this postcard is taken from the subject property.

Mediterranean Revival (circa mid 1910s to early 1930s)

Mediterranean Revival architecture was the "style of choice" for the first major boom period in Miami Beach. Its connotation of Mediterranean resort architecture, combining expressions of Italian, Moorish, North African, and Southern Spanish themes, was found to be an appropriate and commercially appealing image for the new Floridian seaside resort; it was a style that was simultaneously being used expansively in California and other areas of similar climate.

During the mid 1910s through the early 1930s, the style was applied to hotels, apartment buildings, commercial structures, and even modest residences. Its architectural vocabulary was characterized by stucco walls, low pitched terra cotta and historic Cuban tile roofs, arches, scrolled or tile capped parapet walls, and articulated door surrounds, sometimes utilizing Spanish Baroque decorative motifs and Classical elements. Feature detailing was occasionally executed in keystone or patterned ceramic tile.

Application of the architectural vocabulary in Miami Beach ranged from sparing to modestly exuberant, and building massing varied from simple rectangular form to stepped massing with recessed wall planes and tower-like corner features. Wooden casement or double-hung windows of several configurations provided additional detail to the facades.

Biography of Carlos B. Schoeppel

The brief biography of Carlos B. Schoeppel provided below illustrates the caliber of this master architect who designed the subject home at 5645 North Bay Road. Born in Comfort, Texas, on April 12, 1898, Schoeppel studied architecture at the University of California, Los Angeles. In 1926, Schoeppel moved to Florida and practiced architecture in Jacksonville and St. Augustine. In 1931, he relocated to Miami Beach and formed a partnership with Arnold Southwell, an architect from New York. Schoeppel built his reputation as an architect for designing luxurious single-family residences for the wealthy, especially in Miami Beach. Southwell was more involved with designing commercial and hotel projects. Their partnership lasted for about ten years.¹

Schoeppel established a business called Craftsmen's Village at 3520 46th Street in Miami sometime in the late 1920s or 1930s. Craftsmen's Village was in concept an artist commune, which employed at one time over 20 wood carvers, metal workers, and other craftsmen to provide custom-made furniture, ornamental ironwork, and other artistic pieces. The property was about two and a half acres in size with an office/showroom at the front of the property and towards the rear of the site an upholstery shop, an ironwork shop, a paint shop, a cabinet shop, two pre-fabricated structures to

¹ Correspondence between Carolyn Patton of Delray Beach, Florida, and Carl F. Schoeppel of Fort Lauderdale, Florida, 1995. "Carlos Bee Schoeppel," Personal Memoirs of Carl F. Schoeppel, 1995.

house agriculture, and three residences for the artists. Schoepl sold the business in late 1945 or early 1946.²

In World War II, Schoepl contributed his architectural services towards designing military hospitals and other structures for the government. He then founded the American Plan Service during the construction boom that followed the war. The company sold architectural plans for modern homes with the latest technologies. These plan books were distributed across the country. A person could order the architectural drawings for their new home from a number of choices depicted in a glossy magazine.³

Schoepl is noted for designing fine homes along Florida's Gold Coast (including Miami Beach) and in the Bahamas. He also was commissioned to design office, commercial, hotel, and motel buildings. By 1955, Carlos B. Schoepl and Associates was a large and thriving firm with offices in Miami, New York, Dallas, and Los Angeles. Following a divorce in 1953, Schoepl sold the American Plan Service and moved to New York. He then relocated to Belleair (Clearwater), Florida, and opened an office sometime in the early 1960s.⁴ After his retirement in 1976, he served as a consultant in the Clearwater area for many years. Schoepl was a well liked man who knew many prominent people. His friends called him "Shep." He died at the age of 91 on April 12, 1990.⁵

IX. PLANNING DEPARTMENT RECOMMENDATIONS

1. **Criteria for Designation:** Based upon the evidence presented and the historical and architectural significance of the single-family residence located at 5645 North Bay Road, and in accordance with Chapter 118, Article X, Division 4, in the Land Development Regulations of the City Code, the staff of the City of Miami Beach Planning Department recommends that the Historic Preservation Board adopt the subject property as a local historic structure.
2. **Site Boundaries:** The Planning Department recommends that the boundaries of the historic site consist of the existing structure only, on Lot 1 and the north half of Lot 2, in Block 10, La Gorce Golf Subdivision, as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida.
3. **Areas Subject to Review:** The Planning Department recommends that the proposed historic site shall be subject to Section 118-591 (f) in the Land Development Regulations of the City Code.
4. **Review Guidelines:** The Planning Department recommends that a decision on an application for a Certificate of Appropriateness shall be based upon Section 118-591 (f) in the Land Development Regulations of the City Code.
5. **Condition of Approval:** The Board's action designating the structure as a historic structure will become effective within ten (10) days of the date of the Board's action. Notwithstanding the foregoing, if the Flood Plain Management Board does not grant Flood Plain Variance Application No. FP04-03 in its entirety with six (6) months of the date of the Board's action, the historic designation of the structure will expire and become null and void.

² "Recollections of Carlos B. Schoepl [sic] and Craftsmen's Village," Personal Memoirs of Dona Kelly, 11 December 2000.

³ Correspondence between Carolyn Patton of Delray Beach, Florida, and Carl F. Schoepl of Fort Lauderdale, Florida, 1995. "Carlos Bee Schoepl," Personal Memoirs of Carl F. Schoepl, 1995.

⁴ Ibid.

⁵ "Internationally Known Architect Carlos B. Schoepl," Bee Publications, 12 April 1990, p. 14.

X. BOARD ACTION

On May 11, 2004, the Historic Preservation Board reviewed the Designation Report with recommendations prepared by the staff of the Planning Department regarding the designation of the single-family residence at 5645 North Bay Road as an historic structure. Based upon the evidence presented and the historical and architectural significance of the subject property, and in accordance with Chapter 118, Article X, Division 4, in the Land Development Regulations of the City Code, the Board unanimously approved a motion (7 to 0) to adopt the single-family residence at 5645 North Bay Road as an historic single-family residential structure (referred to as HSFRS-2).

XI. FIGURE INDEX

Figure 1: (Cover) Photo of 5645 North Bay Road, April of 2004.

Figure 2: (Cover) Florida State Archives, Florida Photographic Collection. Reference Collection.

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Exhibit “B”

**Single-Family Property at
5645 North Bay Road**

1. Tax Exemption Final Order of the Historic Preservation Board
(HPB File No. 3224)
2. Preconstruction Application for Historic Ad Valorem Tax Exemption
3. Supplemental Material Booklet
(Includes Property Survey, Photos of Property, Building Permit Card, Microfiche
of the Original Architectural Plans, and Property Tax Information)
[Under Separate Cover]
4. Architectural Drawings of the Existing Conditions and Proposed Improvements
[Under Separate Cover]

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: October 11, 2005

FILE NO: 3224

PROPERTY: 5645 North Bay Road – Single Family Home

LEGAL: The subject single-family property is located at 5645 North Bay Road or, more specifically, on Lot 1 and the north half of Lot 2, in Block 10, LA GORCE GOLF SUBDIVISION, as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida.

IN RE: The application requesting that the Historic Preservation Board recommend approval for an Historic Ad Valorem Tax Exemption for the restoration, renovation, and rehabilitation of the existing home, as well as for the previously approved new construction.

ORDER

The applicants, Robert and Maria Cherry, are requesting that the Historic Preservation Board recommend approval for an ad valorem tax exemption for the restoration, renovation, and rehabilitation of the existing home, as well as for the previously approved new construction.

The City of Miami Beach Historic Preservation Board makes the following FINDING OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

Based on the plans and documents submitted with the application, testimony and information provided by the applicant, the analysis and reasons set forth in the Staff Report, and consistency with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness Criteria in Section 118-564 of the Miami Beach City Code, the Historic Preservation Board recommends in favor of the application for Miami Beach Historic Ad Valorem Tax Exemption for the subject single-family residence.

IT IS HEREBY ORDERED, based upon the foregoing finding of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, including the staff report and analysis, which are adopted herein, including the staff recommendations, that the Historic Preservation Board recommends in favor of the application for Miami Beach Historic Ad Valorem Tax Exemption for the above-referenced property.

Dated this 18 day of JANUARY, 2006

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: Thomas R. Mooney
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 19TH day of JANUARY 2006 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Charles A Taft
My Commission DD233174
Expires July 17, 2007

Charles A. Taft
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:

Legal Department: [Signature] (1-17-2006)

Filed with the Clerk of the Historic Preservation Board on 1/19/06 (mt)

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tbm

3224

9/1/05

**CITY OF MIAMI BEACH
HISTORIC AD VALOREM TAX EXEMPTION FOR SINGLE-FAMILY PROPERTIES**

PART 1 – PRECONSTRUCTION APPLICATION

***Instructions:** Prior to any construction or demolition for an eligible single-family property, the Part 1 – Preconstruction Application is submitted to the City of Miami Beach Planning Department for review and approval by the Historic Preservation Board and City Commission at separate public hearings. Read the attached instructions carefully before completing this application. Your application cannot be evaluated unless it is complete and all required supporting materials are provided. In the event of any discrepancy between the application form and other supplementary materials submitted with it (such as architectural drawings and specifications), the application form shall take precedence. Type or print clearly in black ink. Attach additional sheets if necessary.*

I. PROPERTY IDENTIFICATION AND LOCATION

Site Name (Original/Current): 5645 North Bay Road

Property Address: 5645 North Bay Road

Folio Number: 02-3215-003-1300 Plat Book: 14 Page Number: 43

Legal Description (Lot, Block, & Subdivision): Lot 1 and the North ½ of Lot 2, Block 10 La
(Attach additional sheets if necessary.) Gorce Golf Subdivision

Attach the Public Value Inquiry, which can be obtained at the Miami-Dade County Property Appraiser's Office, 111 NW 1st Street, Suite 710, Miami, Florida 33128 or <http://miamidade.gov>.

Locally Designated Historic Property

- ☒ Individually designated as a local Historic Site or Structure
☐ Contributing Property within a local Historic District

Listed in the National Register of Historic Places

- ☐ Individually designated as an Historic Site in the National Register
☐ Contributing Property within an Historic District in the National Register

Name of Historic District _____

Attach the local Historic Designation Report or the National Register Nomination.

II. OWNER INFORMATION

Name of Individual(s) or Organization Owning the Property:

Robert and Maria Cherry

Mailing Address: c/o Graham Penn, Esq. 200 S. Biscayne Blvd., Suite 850

City: Miami State: Florida Zip: 33131

Contact Person: Graham Penn

Daytime Phone No.: 305-377-6229 Cell Phone No.: 305-775-0340

Fax: 305-377-6222 E-mail: gpenn@brzoninglaw.com

If property is held in multiple ownership, attach a list of all owners and their mailing addresses.

III. CURRENT PHYSICAL DESCRIPTION OF PROPERTY

This section is used to determine what particular features of the building and site contribute to the overall historic character of the property. Describe the building in its present condition (before improvements), and identify any changes that have been made to the building since its original construction. Attach additional sheets if necessary.

A. General Information - History

Original Architect: C.B. Schoeppl Year Built: 1931

Original Builder: Jesse P. Monz

Architectural Style:

- | | |
|--|--|
| <input type="checkbox"/> Vernacular | <input type="checkbox"/> Colonial Revival |
| <input checked="" type="checkbox"/> Mediterranean Revival | <input type="checkbox"/> Neoclassical Revival |
| <input type="checkbox"/> Mediterranean Revival/Art Deco Transitional | <input type="checkbox"/> Bungalow/Craftsman |
| <input type="checkbox"/> Art Deco | <input type="checkbox"/> Monterey |
| <input type="checkbox"/> Streamline Moderne | <input type="checkbox"/> Post War Modern/Miami Modern (MiMo) |
| <input type="checkbox"/> Other Architectural Style: | |

Alterations: Provide date and description of physical alterations to the property (e.g., casement windows replaced with jalousie type, entire main structure, 1955; Florida room enclosed with French doors and arched transoms, west elevation, circa 1985; etc.).

Original windows replaced with those of similar design – year unknown.

Additions: Provide date and description of any additions to the property (e.g., second floor bedroom addition, southwest corner, 1974; two-story wing addition, north side, 1987; etc.).

New kitchen/bathroom addition, 1988

B. Exterior Features

Indicate all exterior features or materials that apply to the building in its present condition (before improvements).

Number of Stories: 1-2

Building Height: 17' 6"

Basic Floor Plan:

- ☐ Rectangle ☒ "L"-shaped ☐ "T"-shaped ☐ "U"-shaped ☐ "H"-shaped
☐ Square ☐ Irregular
☐ Other Floor Plan:

Exterior Fabric:

- ☒ Stucco ☐ Wood Shingle ☐ Wood Siding ☐ Natural Stone ☐ Brick
☐ Other Exterior Fabric(s):

Type of Roof:

- ☐ Hipped ☒ Gabled ☐ Flat w/Eaves ☐ Flat w/Parapet ☐ Pent/Shed
☐ Other Roof Type(s):

Roof Material:

- | <u>Clay Tile</u> | <u>Cement Tile</u> | <u>Shingle</u> | <u>Metal</u> | |
|--|---------------------------------|----------------------------------|-----------------------------------|---|
| <input checked="" type="checkbox"/> Barrel | <input type="checkbox"/> Barrel | <input type="checkbox"/> Wood | <input type="checkbox"/> Aluminum | <input type="checkbox"/> Built Up/Asphalt |
| <input type="checkbox"/> S-Type | <input type="checkbox"/> S-Type | <input type="checkbox"/> Slate | <input type="checkbox"/> Copper | |
| <input type="checkbox"/> Flat | <input type="checkbox"/> Flat | <input type="checkbox"/> Asphalt | | |
| <input type="checkbox"/> Other Roof Material(s): | | | | |

Windows:

- | | | | |
|--|--------------------------------------|--|--|
| <input type="checkbox"/> Double-Hung Sash | <input type="checkbox"/> Awning | <input checked="" type="checkbox"/> Arched Transom | <input type="checkbox"/> Corner Window |
| <input type="checkbox"/> Single-Hung Sash | <input type="checkbox"/> Sliding | <input type="checkbox"/> Focal Window | <input type="checkbox"/> Projecting Window |
| <input checked="" type="checkbox"/> Casement | <input type="checkbox"/> Fixed | <input type="checkbox"/> Dormer Window | <input type="checkbox"/> Boxed Window |
| <input type="checkbox"/> Jalousie | <input type="checkbox"/> Glass Block | <input type="checkbox"/> Porthole/Round Window | <input type="checkbox"/> Framed Glass Wall |
| <input type="checkbox"/> Other Window Type(s): | | | |

Doors:

- ☐ Rusticated Wood Door ☒ Paneled ☐ Flush ☒ French ☐ Sliding
☐ Wrought Iron Screen Door
☐ Other Door Type(s):

Historically Significant Architectural Features and Materials on the Exterior of the Building:

- | | | |
|--|--|---|
| <input type="checkbox"/> Carved Wooden Detail/Railing | <input checked="" type="checkbox"/> Chimney | <input checked="" type="checkbox"/> Decorative Urns/Sculpture |
| <input type="checkbox"/> Wrought Iron Work/Railing | <input type="checkbox"/> Covered Porch | <input type="checkbox"/> Decorative Quoins |
| <input type="checkbox"/> Window Shutters | <input type="checkbox"/> Loggia/Breezeway | <input type="checkbox"/> Decorative Attic Vent |
| <input type="checkbox"/> Decorative Columns/Pilasters | <input checked="" type="checkbox"/> Tower-like Element | <input checked="" type="checkbox"/> Arched Opening |
| <input type="checkbox"/> Ornate Window/Door Surround | <input type="checkbox"/> Roof/Sun Deck | <input checked="" type="checkbox"/> Roof Rafter Tails |
| <input type="checkbox"/> Bas Relief/Sculpted Panel | <input type="checkbox"/> Balcony/Balconet | <input type="checkbox"/> Rounded Roof Eaves |
| <input type="checkbox"/> Keystone Feature | <input type="checkbox"/> Second Floor Overhang | <input type="checkbox"/> Eyebrow/Concrete Canopy |
| <input type="checkbox"/> Decorative Ceramic Tile | <input type="checkbox"/> Built-In Niche | <input checked="" type="checkbox"/> Porthole/Round Opening |
| <input type="checkbox"/> Brick/Field Stone Panel | <input checked="" type="checkbox"/> Built-In Planter | <input type="checkbox"/> Stucco Molding/Band |
| <input type="checkbox"/> Concrete Breeze Block | <input type="checkbox"/> Porte Cochere | <input type="checkbox"/> Stucco Reveal/Scoreline |
| <input type="checkbox"/> Other Significant Exterior Feature(s) or Material(s): | | |

C. Major Interior Features

Describe the historically significant architectural features and materials on the interior of the building, including their location (e.g., wrought iron stair railings and suspended light pendant, entrance foyer; carved keystone fireplace, living room; decorative crown molding and terrazzo floor, dining room; etc.).

Circular interior stairway in living room (Photo 11).

Decorative niches in entrance foyer (Photos 17 and 18).

Decorative painted beamed ceilings in living and dining rooms (Photos 12 and 15).

Decorative mantle in living room (Photo 13).

Chandeliers in living and dining rooms (Photos 12 and 15).

D. Auxiliary Structures and Site Features

Describe the auxiliary structures and site features on the property, including their location and date of construction (e.g., original fountain, fence wall and wrought iron gate, east side, 1935; swimming pool and cabana, west side, 1960; detached one-story garage; northeast corner, 1991; etc.).

Swimming pool, under construction (Photo 20).

IV. DESCRIPTION OF PROPOSED IMPROVEMENTS

This section is used to describe the existing feature conditions, proposed improvements, and the impact of these improvements on existing features and materials and the overall historic character of the property. All improvements to historic properties will be evaluated for their consistency with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness Criteria in Section 118-564 of the Miami Beach City Code. Applications must contain sufficient information to enable an evaluation and will be returned for insufficient documentation. The application must include labeled "before" photographs of both the interior and exterior of the property, which describe the property and its characteristics. Photographs must be in color; minimum size of each photograph is 3 1/2" by 5."

Use of the Building Before Improvements: Single Family Home

Use of the Building After Improvements: Single Family Home

Estimated Date of Project Commencement: _____

Estimated Date of Project Completion: _____

Estimated Cost of Entire Project: _____

Estimated Cost of Qualifying Improvements: _____

Type of Work Proposed (indicate all that apply):

☒ Addition ☐ Alteration ☐ Upgrade ☐ Restoration ☐ Rehabilitation

A. Exterior Architectural Features

The following represents an itemization of work to be accomplished. List each feature affected by the proposed improvement and describe the impact to the existing features and materials. Include a numbered photograph of each feature and indicate the architectural plan or drawing number. Describe the entire project. Attach additional sheets if necessary.

Feature 1

Exterior Feature: Northern Facade

Elevation: First and Second Floors

Date of Feature: 1931 Photo Nos.: 1, 5, 21 Plan No.: EX 3

Describe existing feature and its present condition.

Northern façade of home includes striking two story circular tower element at front entrance as well as built in planters.

Describe work on existing feature.

Former garage space, now used as a laundry room and den will be restored as a garage. Façade will also be altered by view of second floor addition on southwest corner of home.

A. Exterior Architectural Features (continued)

Feature 2

Exterior Feature: Southern Façade

Elevation: First and Second Floors

Date of Feature: 1931/1988 Photo Nos.: 9, 20 Plan No.: EX 3

Describe existing feature and its present condition.

Southern façade is marked by view of both wings of home.

Describe work on existing feature.

Façade will be modified by additions to eastern and western wings as well as the construction of a new covered terrace in the rear of the existing kitchen.

Feature 3

Exterior Feature: Western Façade

Elevation: First and Second Floors

Date of Feature: 1931 Photo Nos.: 6, 7, 8 Plan No.: EX 3

Describe existing feature and its present condition.

Western façade of home includes view of double height living room and two-story element including two bedroom suites, as well as a planter at the far south end.

Describe work on existing feature.

The approved addition to the western wing of the house will result in a minor change to the appearance of the western façade and will require the demolition of the existing planter. One of the windows in the first floor bedroom will be removed to make way for the addition.

Feature 4

Exterior Feature: Eastern Façade, Interior

Elevation: First and Second Floors

Date of Feature: 1931 Photo No.: 10 Plan No.: EX 3

Describe existing feature and its present condition.

The eastern façade of the west wing of the home is marked by french doors leading from the existing den as well as the existing two-story portion of the home.

Describe work on existing feature.

The approved addition to the western wing of the house will result in a minor change to the appearance of the eastern façade. Specifically, one of the existing french doors and an eastern facing window will be removed to permit an internal connection of the den to the new two-story addition.

B. Interior Architectural Features

Feature 1

Interior Feature: Circular Stair

Room: Living Room

Date of Feature: 1931 Photo No.: 11 Plan No.: EX 1

Describe existing feature and its present condition.

The living room features an attractive circular stairway leading to a second floor bedroom and bath.

Describe work on existing feature.

The stairway will be modified only as necessary to add smoke detectors.

Feature 2

Interior Feature: Decorative Beamed Ceilings

Room: Living and Dining Rooms

Date of Feature: c. 1931 Photo Nos.: 12, 15 Plan No.: N/A

Describe existing feature and its present condition.

Painted wood beam ceilings are a feature of both the living and dining rooms.

Describe work on existing feature.

No significant change is proposed for these features.

B. Interior Architectural Features (continued)

Feature 3

Interior Feature: Decorative Niches

Room: Entrance Foyer

Date of Feature: c. 1931 Photo No.: 17, 18 Plan No.: EX 1

Describe existing feature and its present condition.

Decorative niches are located on the western and eastern ends of the circular entrance foyer.

Describe work on existing feature.

No significant change is proposed for these features.

C. Landscape Features

Feature 1

Landscape Feature: Mature Palms

Location on Property: Throughout Property

Date of Feature: N/A Photo Nos.: 20, 21 Plan No.: N/A

Describe existing feature and its present condition.

The property is planted with multiple attractive mature palms, most of which are Royal Palms.

Describe work on existing feature.

Most, if not all, of the existing palm trees will be retained.

V. OWNER ATTESTATION

I hereby attest that the information I have provided is, to the best of my knowledge, correct, and that I own the property described above or that I am legally the authority in charge of the property. Further, by submission of this application, I agree to allow access to the property by representatives of the City of Miami Beach Planning Department for the purpose of verification of information provided in this application. I also understand that, if the requested exemption is granted, I will be required to enter into a Covenant with the City of Miami Beach in which I must agree to maintain the character of the property and the qualifying improvements for the term of the exemption.

Robert Cherry [Signature] 8/23/06
Print Name Signature Date

Print Name Signature Date

Complete the following if an individual is signing for an organization:

Title Organization Name

Notarized:

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Sworn to and subscribed before me this 23rd day of August, 2005. The
foregoing instrument was acknowledged before me by Robert Cherry

(and) _____ who has (have) produced _____

as identification and / or is (are) personally known to me and who did / did not take an oath.



Felix J. Alvarez
Commission #DD174702
Expires: Dec 30, 2006
Bonded Through
Atlantic Bonding Co., Inc.

[Signature]
NOTARY PUBLIC'S SIGNATURE

PRINT NAME

My Commission Expires: _____

Multiple owners must provide the same information as above. Use additional sheets if necessary.

October 5, 2005

VIA HAND DELIVERY

Ms. Shannon Anderton
Senior Planner
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Construction Dates and Estimated Costs - 5645 North Bay Road, Robert
and Maria Cherry Residence

Dear Shannon:

This letter is intended to supplement the previously submitted application for an ad valorem tax exemption for the above-described property. Below is the information regarding the estimated dates of construction as well as the costs of the improvements.

Estimated Date of Project Commencement: October 2004.

Estimated Date of Project Completion: October 2005.

Estimated Cost of Entire Project: \$757,884.

Estimated Cost of Qualifying Improvements: \$697,884.

If you need any additional information or have any questions or concerns, please do not hesitate to phone my direct line at (305) 377-6229.

Sincerely,


Graham Penn

cc: Robert Cherry
Barry Brodsky
Jeffrey Bercow, Esq.
Michael W. Larkin, Esq.

Condensed Title:

Resolution: Approval of a Preconstruction Application for Historic Ad Valorem Tax Exemption for the Single-Family Property at 55 Palm Avenue.

Key Intended Outcome Supported:

Retention and rehabilitation of a locally designated historic single-family property.

Issue:

The Administration is requesting that the Mayor and City Commission consider the proposed resolution, which would approve a Preconstruction Application for Historic Ad Valorem Tax Exemption for a single-family property located at 55 Palm Avenue.

Item Summary/Recommendation:

Adopt the proposed resolution.

Advisory Board Recommendation:

On December 13, 2005, the Historic Preservation Board approved the individual designation of the single-family residence at 55 Palm Avenue as an historic structure. At the same public hearing, the Board approved the proposed improvements to the subject single-family property and granted a Certificate of Appropriateness, subject to certain conditions indicated in the Final Order of the Board. The Board also voted in favor of recommending that the Mayor and City Commission approve a Preconstruction Application for Historic Ad Valorem Tax Exemption for the single-family property at 55 Palm Avenue.

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 100px; height: 50px; margin: 0 auto;"></div> OBPI	1			
	2			
	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Thomas R. Mooney, Design & Preservation Manager; Shannon M. Anderton, Senior Planner.

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RECOMMENDING APPROVAL OF A PRECONSTRUCTION APPLICATION FOR HISTORIC AD VALOREM TAX EXEMPTION FOR A SINGLE-FAMILY PROPERTY AT 55 PALM AVENUE, AND AUTHORIZING THE MIAMI-DADE COUNTY PROPERTY APPRAISER'S OFFICE TO GRANT SAID TAX EXEMPTION FOR THE CITY'S PORTION OF AD VALOREM PROPERTY TAXES FOR QUALIFYING IMPROVEMENTS TO THE SUBJECT PROPERTY FOLLOWING SUBSTANTIAL COMPLETION OF THE PROJECT AND COMPLIANCE WITH CERTAIN CONDITIONS.**

ADMINISTRATION RECOMMENDATION

The Administration is requesting that the Mayor and City Commission adopt the proposed resolution, thereby approving a Preconstruction Application for Historic Ad Valorem Tax Exemption for a single-family property located at 55 Palm Avenue.

HISTORIC SINGLE-FAMILY AD VALOREM TAX EXEMPTION

On December 8, 2004, the City of Miami Beach enacted legislation that authorizes an exemption for its portion of ad valorem taxes for improvements to historically designated single-family homes (Sections 118-600 to 118-612 of the Miami Beach City Code). This legislation allows for the City's portion of property taxes to be "frozen" at the rate they were assessed before qualifying improvements are made to an historic single-family home for a period of ten (10) years. The "freezing" is accomplished by removing from the assessment the incremental value added by the qualifying improvements. Only the incremental value of the qualifying improvements shall be "frozen" for the ten year period.

Qualifying improvements are the result of restoration, renovation, rehabilitation and/or compatible additions to an historic single-family property. In order for an improvement to qualify for an exemption, the improvement must be determined by the Historic Preservation Board and City Commission to be consistent with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness Criteria in Section 118-564 of the Miami Beach City Code. However, the Miami-Dade County Property Appraiser's Office will make the final determination of whether an improvement qualifies for an exemption.

The application for Historic Ad Valorem Tax Exemption is a two step process. The "Part 1 – Preconstruction Application" is submitted to the Planning Department prior to any construction or demolition for an eligible single-family property. The "Part 2 – Review of

Completed Work" is submitted to the Planning Department upon substantial completion of the project.

Upon submittal of a completed Part 1 - Preconstruction Application, the Planning Department will schedule the request for approval of Historic Ad Valorem Tax Exemption from the Historic Preservation Board at their next regularly scheduled meeting. The Board will review and make a recommendation to the City Commission to grant or deny an application for tax exemption.

The Planning Department will transmit the request for approval of Historic Ad Valorem Tax Exemption, together with the Part 1 – Preconstruction Application and the recommendations of the Historic Preservation Board and staff, for final consideration by the City Commission at a regularly scheduled meeting. A majority vote of the City Commission is required to approve an application for tax exemption.

For final approval of an Historic Ad Valorem Tax Exemption, the applicant must submit to the Planning Department the Part 2 – Review of Completed Work upon substantial completion of the project. A review will be conducted by Planning Department staff to determine whether or not the completed improvements are in compliance with the work approved by the City Commission in the Part 1 - Preconstruction Application. To qualify for a tax exemption, the property owner is required to enter into a covenant or agreement with the City guaranteeing that the character of the property and its qualifying improvements will be maintained during the period that the exemption is granted.

LEGAL DESCRIPTION

The subject property is located at 55 Palm Avenue on Palm Island in Biscayne Bay or, more specifically, at Lot 13, in Block 1, of the Palm Island subdivision, according to the Plat thereof, as recorded in Plat Book 6, at Page 54, of the Public Records of Miami-Dade County, Florida. Said lands located, lying, and being in the City of Miami Beach, County of Miami-Dade, Florida.

EXISTING STRUCTURE

The subject home was constructed in 1928 and designed by Raymond DeC. Weakley. It was built by Wendel Andreas for his own private residence. Andreas was the president of the Northern Building Company. The subject home is an exceptional example of the Mediterranean Revival style of architecture. Some of its significant architectural features that are reflective of this style include: rough stucco wall surfaces, multiple clay barrel tile roofs, twisted rope columns, arched masonry openings, multi-lited casement windows, wooden screen doors with turned spindles, and a campanile-inspired chimney. The residence also incorporates in its design a unique and now rare material, coral rock. On the interior of the home, there are many original design elements, including exposed wooden ceilings with rafters, rough plaster walls, an arched built-in bookcase, a decorative fireplace, an arched wall recess, arched door openings, and terra cotta tiled floors of various patterns. Together all of these architectural features contribute to the special character and architectural significance of this residence.

BACKGROUND

The property owner, Dr. Noaman Sanni, submitted to the Planning Department a request for designation as an historic structure, a Certificate of Appropriateness, and an Historic Ad Valorem Tax Exemption for the single-family property located at 55 Palm Avenue.

On December 13, 2005, the Historic Preservation Board held a public hearing and voted unanimously (5 to 0; 1 absence and 1 vacancy) to approve the individual designation of the single-family residence at 55 Palm Avenue as an historic structure. The Board also reviewed and unanimously approved (5 to 0; 1 absence and 1 vacancy) the proposed improvements to the subject single-family property and granted a Certificate of Appropriateness, subject to certain conditions indicated in the Final Order of the Board.

At the same public hearing, the Board voted unanimously (5 to 0; 1 absence and 1 vacancy) in favor of recommending that the Mayor and City Commission approve a Preconstruction Application for Historic Ad Valorem Tax Exemption for the single-family property at 55 Palm Avenue. Thereby, the Board certified that the subject single-family property for which an exemption is requested is eligible and satisfies Section 118-602(a) of the Miami Beach City Code. The Board also determined that the proposed improvements to the subject single-family property are consistent with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness Criteria in Section 118-564 of the Miami Beach City Code, in accordance with Section 118-602(b).

SCOPE OF PROJECT

In brief, the project includes the improvements to the historic residence and site indicated below. All qualifying improvements for both the historic home and proposed additions shall be consistent with the Certificate of Appropriateness Final Order of the Historic Preservation Board (HPB File No. 3221).

A. Exterior Architectural Features

1. Construction of a major addition to the north of the historic home. A central courtyard will provide separation between the new construction and the original structure. The addition is attached to the historic home with a one-story wing on the west side of the property and a covered walkway on its east end. A portion of the original coral rock will be removed from the historic home on the north elevation in order to accommodate the one-story connecting wing. The design of the new addition is compatible with the architectural vocabulary of the historic home.
2. Construction of a one-story, three car garage to the south of the historic home. It will be connected to the original structure by a covered walkway. A portion of the original coral rock will be removed from the historic home on the south elevation in order to accommodate the covered walkway. The design of the new garage is compatible with the architectural vocabulary of the historic home.
3. The existing clay barrel roof tile on the historic home will be repaired or replaced as necessary. Any replacement tiles will match the existing clay barrel roof tiles.

4. The original casement windows, arched and flat transoms, and doors in the historic home will be removed and replaced to match their original configurations as closely as possible.
5. As required in the Certificate of Appropriateness Final Order of the Historic Preservation Board, the original ornamental masonry windows screens as well as the original wooden screen doors with turned spindles shall be retained and preserved in the historic home.

B. Interior Architectural Features

1. As required in the Certificate of Appropriateness Final Order of the Historic Preservation Board, the original architectural features in the great living room of the historic home shall be retained and preserved, including the exposed wooden ceiling with rafters, clerestory windows, rough plaster walls, and terra cotta tiled floor, as well as the decorative fireplace, sloping chimney breast, arched bookcase niche, and arched door opening on the east wall; and on the west wall, the arched wall recess with columns and flanking arched door openings.
2. As required in the Certificate of Appropriateness Final Order of the Historic Preservation Board, the original terra cotta tiled floors and exposed wooden ceilings with rafters shall be retained and preserved in the existing front porch, dining room, and rear porch of the historic home.

C. Landscape Features

(The landscape and site improvements indicated below do not qualify for the tax exemption.)

1. Removal of the original circular driveway on the south side of the existing home and the installation of a new driveway with a rectangular-shaped plaza. The original vehicular access will be relocated from the west end of the property to its center. The original decorative wooden gate with flanking masonry columns and scrolled details will be reconstructed in its new location.
2. Construction of a new pool cabana, swimming pool, and deck at the northwest corner of the property.
3. Construction of a gazebo at the northeast corner of the property.
4. Introduction of new landscaping on the property.

FISCAL IMPACT

According to the applicant, the estimated cost of the entire project and the value of the proposed qualifying improvements for the subject single-family property is \$1,500,000. The project commencement date is spring of 2006 and the estimated project completion date is spring of 2007.

Please note that the revenue implication calculation provided below is a rough approximation. It assumes that the Miami-Dade County Property Appraiser's Office will not reduce the actual square footage of the additions to adjusted square footage. It assumes that the City's millage rate, the building market value, as well as the building class and grade value will remain the same. It is also based solely on the estimated value of the new additions and not to any repairs to the historic residence.

The Miami-Dade County Property Appraiser's Office determined in 2005 that the subject property has an adjusted square footage of 3,082 with a building value of \$212,206. The lot size is approximately 30,000 square feet with a land value of \$2,760,000.

The Property Appraiser's Office advised that the subject property has an effective building value per adjusted square foot of \$105, which is based upon its building class and grade. According to the applicant, the proposed actual square footage of the qualifying building additions for the site is 9,491 (including a two-story addition, one-story connecting wing, and garage). Then the estimated value of the proposed increase in square footage would be \$996,600. The 2005 millage rate for the City of Miami Beach is 7.481. Assuming there is no change in millage rate over the ten year period in which the exemption is granted, the applicant will save annually \$7,460 from Miami Beach's portion of property taxes. Again, this calculation is a rough estimate of the revenue implication to the City due to many variables.

ANALYSIS

The applicant is to be commended for the retention of the subject home. The proposed major addition on the north side of the historic home will be much less visible from Palm Avenue due to the substantial lot depth. The introduction of a courtyard between the historic home and the rear addition will allow the architecture of the original structure to stand on its own. The new construction is in keeping with the architectural vocabulary of the original structure. It is very important that the current owner has chosen to preserve and expand this historic home, rather than to demolish and replace it. The historically significant home is an asset to the neighborhood.

In view of the foregoing analysis, and consistency with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness Criteria in Section 118-564 of the Miami Beach City Code, the Administration recommends in favor of the Preconstruction Application for Historic Ad Valorem Tax Exemption for the single-family residence at 55 Palm Avenue.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RECOMMENDING APPROVAL OF A PRECONSTRUCTION APPLICATION FOR HISTORIC AD VALOREM TAX EXEMPTION FOR A SINGLE-FAMILY PROPERTY AT 55 PALM AVENUE, AND AUTHORIZING THE MIAMI-DADE COUNTY PROPERTY APPRAISER'S OFFICE TO GRANT SAID TAX EXEMPTION FOR THE CITY'S PORTION OF AD VALOREM PROPERTY TAXES FOR QUALIFYING IMPROVEMENTS TO THE SUBJECT PROPERTY FOLLOWING SUBSTANTIAL COMPLETION OF THE PROJECT AND COMPLIANCE WITH CERTAIN CONDITIONS.

WHEREAS, the Mayor and City Commission have deemed it in the best interest and welfare of the City of Miami Beach ("City") to provide financial incentives for the retention and rehabilitation of architecturally and historically significant single-family homes in Miami Beach; and

WHEREAS, on December 8, 2004, the Miami Beach City Commission adopted Ordinance No. 2004-3469 that authorizes an exemption for the City's portion of ad valorem taxes if qualifying improvements are made to historically designated single-family homes; and

WHEREAS, Dr. Noaman Sanni, the owner of real property located at 55 Palm Avenue on Palm Island (Lot 13, in Block 1, of the Palm Island subdivision, according to the Plat thereof, as recorded in Plat Book 6, at Page 54, of the Public Records of Miami-Dade County, Florida), submitted requests to the City's Planning Department for the following: a) designation of the property as an historic structure, b) a Certificate of Appropriateness, and c) an Historic Ad Valorem Tax Exemption for the subject property; and

WHEREAS, on December 13, 2005, the City's Historic Preservation Board held a public hearing and voted unanimously (5 to 0; 1 absence and 1 vacancy) to approve the individual designation of the single-family residence at 55 Palm Avenue as an historic structure [**Exhibit "A"**]; and

WHEREAS, at the same public hearing, the Historic Preservation Board reviewed and unanimously approved (5 to 0; 1 absence and 1 vacancy) the proposed improvements to the subject single-family property and granted a Certificate of Appropriateness, subject to certain conditions indicated in the Final Order of the Board [**Exhibit "B"**]; and

WHEREAS, at the same public hearing, the Historic Preservation Board voted unanimously (5 to 0; 1 absence and 1 vacancy) in favor of recommending that the Mayor and City Commission approve a Preconstruction Application for Historic Ad Valorem Tax Exemption for qualifying improvements to the historically designated single-family property at 55 Palm Avenue [**Exhibit "C"**]; and

WHEREAS, the Historic Preservation Board has certified that the subject single-family property for which an exemption is requested is eligible and satisfies Section 118-602(a) of the Miami Beach City Code; and

WHEREAS, the Historic Preservation Board has determined that the proposed improvements to the subject single-family property are consistent with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness criteria in Section 118-564 of the Miami Beach City Code, in accordance with Section 118-602(b); and

WHEREAS, the City's Planning Department has recommended that this request for a tax exemption for the subject single-family property be granted, subject to all of the conditions set forth herein.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that a Preconstruction Application for Historic Ad Valorem Tax Exemption for the subject single-family property at 55 Palm Avenue be approved, subject to the following conditions:

1. Scope of Tax Exemption. The exemption shall apply to one hundred (100) percent of the assessed value of all qualifying improvements to the single-family property that result from restoration, renovation, rehabilitation, and/or compatible additions. The exemption applies only to taxes levied by the City of Miami Beach. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to the Miami Beach City Code or the Florida Constitution. The exemption does not apply to personal property or to properties located within a community redevelopment area. The Miami-Dade County Property Appraiser's Office will make the final determination of whether an improvement qualifies for an exemption.
2. Approved Qualifying Improvements. The qualifying improvements to the subject single-family property delineated below are considered to be eligible for the tax exemption, as submitted to and approved by the City's Historic Preservation Board.
 - A. Exterior Architectural Features
 - 1) Construction of a major addition to the north of the historic home. A central courtyard will provide separation between the new construction and the original structure. The addition is attached to the historic home with a one-story wing on the west side of the property and a covered walkway on its east end. A portion of the original coral rock will be removed from the historic home on the north elevation in order to accommodate the one-story connecting wing. The design of the new addition is compatible with the architectural vocabulary of the historic home.
 - 2) Construction of a one-story, three car garage to the south of the historic home. It will be connected to the original structure by a covered walkway. A portion of the original coral rock will be removed from the historic home on the south elevation in order to accommodate the covered walkway. The design of the new garage is compatible with the architectural vocabulary of the historic home.

- 3) The existing clay barrel roof tile on the historic home will be repaired or replaced as necessary. Any replacement tiles will match the existing clay barrel roof tiles.
- 4) The original casement windows, arched and flat transoms, and doors in the historic home will be removed and replaced to match their original configurations as closely as possible.
- 5) As required in the Certificate of Appropriateness Final Order of the Historic Preservation Board, the original ornamental masonry windows screens as well as the original wooden screen doors with turned spindles shall be retained and preserved in the historic home.

B. Interior Architectural Features

- 1) As required in the Certificate of Appropriateness Final Order of the Historic Preservation Board, the original architectural features in the great living room of the historic home shall be retained and preserved, including the exposed wooden ceiling with rafters, clerestory windows, rough plaster walls, and terra cotta tiled floor, as well as the decorative fireplace, sloping chimney breast, arched bookcase niche, and arched door opening on the east wall; and on the west wall, the arched wall recess with columns and flanking arched door openings.
- 2) As required in the Certificate of Appropriateness Final Order of the Historic Preservation Board, the original terra cotta tiled floors and exposed wooden ceilings with rafters shall be retained and preserved in the existing front porch, dining room, and rear porch of the historic home.

3. Duration of Tax Exemption. The exemption shall take effect on the January 1st following substantial completion of the improvements. The exemption shall remain in effect for ten (10) years. The duration of ten (10) years shall continue regardless of any change in the authority of the City of Miami Beach to grant such exemptions or any changes in ownership of the property.
4. Required Covenant. The property owner shall enter into a covenant with the City of Miami Beach for the term for which the exemption is granted. The covenant shall be form approved by the City Attorney and shall require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. Before the effective date of the exemption, the owner of the property shall have the covenant recorded in the official records of Miami-Dade County, Florida. The covenant shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant shall result in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3).

5. Building Permit Plans and Construction. Building permit plans shall be consistent with the Certificate of Appropriateness Final Order of the Historic Preservation Board. Said plans must also accurately reflect all improvements approved by the Historic Preservation Board and City Commission in the Preconstruction Application and architectural drawings for the single-family property. All work on site must be in accordance with the building permit plans.
6. Amendments. All proposed amendments to the approved application and permit plans must be reviewed and approved prior to the completion of the improvements. Minor amendments to permit plans may be approved by the Planning Department provided such amendments are consistent with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness criteria in Section 118-564 of the Miami Beach City Code. Major amendments to the approved plans, as determined by the Planning Department, must be reviewed and approved by the Historic Preservation Board.
7. Completion of Work. The applicant must complete all work shown in the building permit plans within two (2) years following the date of approval by the City Commission. An application for tax exemption shall be automatically revoked if the property owner has not submitted a final request for Review of Completed Work within two (2) years following the date of approval by the City Commission. The Historic Preservation Board may extend the time for substantial completion of an improvement for a period not to exceed two (2) years, or such lesser time as may be prescribed by the Board.
8. Review of Completed Work. The applicant shall submit a request for Review of Completed Work to the Planning Department no less than 30 calendar days prior to the effective date of expiration of approval by the City Commission, as may be extended by the Historic Preservation Board. The Planning Department shall conduct a review to determine whether or not the completed improvements are in compliance with the work approved by the City Commission, including any approved amendments. If the Planning Department determines that the work is in compliance, the final request for Review of Completed Work shall be approved and issued in writing to the applicant. If the Planning Department determines that the work as completed is not in compliance, the applicant will be advised in writing that the final request for Review of Completed Work has been denied. A written summary of the reasons for the determination will be provided, including recommendations concerning the changes to the proposed work necessary to bring it into compliance. The applicant may file an appeal of the decision of the Planning Department within 15 days of such decision. The appeal shall be in writing and shall be to the Historic Preservation Board and shall set forth the factual and legal bases for the appeal.
9. Notice of Approval to the Property Appraiser. Upon the receipt of a certified copy of the recorded restrictive covenant, the Planning Department shall transmit a copy of the approved request for Review of Completed Work, the exemption covenant, and the resolution of the City Commission approving the final application and authorizing the tax exemption to the Miami-Dade County Property Appraiser's Office. Final verification of

substantial completion of the improvements shall be determined by the Miami-Dade County Property Appraiser's Office. If final verification of substantial completion and approval are given by the Miami-Dade County Property Appraiser's Office, the exemption shall take effect on the January 1st following substantial completion of the improvements.


PASSED and **ADOPTED** this _____ day of _____, 2006.



MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO FORM & LANGUAGE
& FOR EXECUTION:**



CITY ATTORNEY  
DATE

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Exhibit "A"

**Single-Family Property at
55 Palm Avenue**

1. Historic Designation Final Order of the Historic Preservation Board
(HPB File No. 3221)
2. Historic Structure Designation Report

**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: December 13, 2005

FILE NO: 3221

PROPERTY: 55 Palm Avenue – Single Family Home

LEGAL: Lot 13, in Block 1, of the Palm Island subdivision, according to the Plat thereof, as recorded in Plat Book 6, at Page 54, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for the designation of an existing single family home as an historic structure.

ORDER

The applicant, Dr. Noaman Sanni, filed an application with the City of Miami Beach Planning Department for the designation of an existing single family home as an historic structure.

The City of Miami Beach Historic Preservation Board makes the following FINDING OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Designation Report, the project as submitted is consistent with the Designation Criteria in Section 118-592 of the Miami Beach Code.

IT IS HEREBY ORDERED, based upon the foregoing finding of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the designation report and analysis, which are adopted herein, including the staff recommendations, that the request for the designation of an existing single family home as an historic structure is GRANTED for the above-referenced property.

Dated this 18 day of JANUARY, 2006.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: Thomas R. Mooney
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 19TH day of JANUARY 2006 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Charles A Taft
My Commission DD233174
Expires July 17, 2007

Charles A. Taft
NOTARY PUBLIC CHARLES A. TAFT
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form: _____
Legal Department: [Signature] (1-18-06)

Filed with the Clerk of the Historic Preservation Board on 1/19/06 (ent)

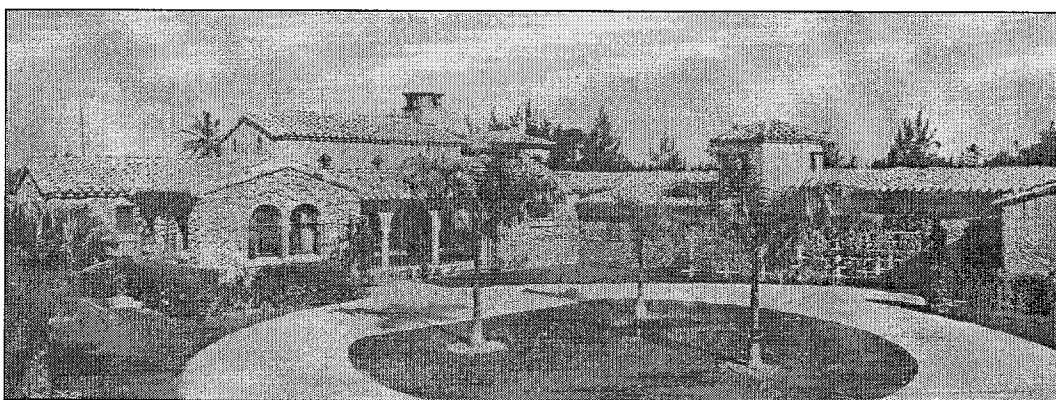
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[Signature]

**SINGLE-FAMILY RESIDENCE
55 PALM AVENUE**

HISTORIC STRUCTURE

DESIGNATION REPORT



PREPARED BY

CITY OF MIAMI BEACH PLANNING DEPARTMENT

Jorge G. Gomez, AICP, Director, Planning Department
William H. Cary, Assistant Planning Director
Thomas R. Mooney, AICP, Design and Preservation Manager
Shannon M. Anderton, Senior Planner

CITY OF MIAMI BEACH HISTORIC PRESERVATION BOARD

Mitch Novick, Chair
Beth Dunlop, Vice Chair

Judith Berson-Levinson, Ed.D.
Allan Hall
Jean-Francois Lejeune
Randall Robinson, Jr.

December 13, 2005

HPB File No. 3221
Adopted December 13, 2005

I. REQUEST

The applicant, Dr. Noaman Sanni, is requesting that the Historic Preservation Board approve a request for the designation of an existing single-family home that is located at 55 Palm Avenue as an historic structure.

II. DESIGNATION PROCESS

The process of designation for historic structures is delineated in Section 118-591(g) in the Land Development Regulations of the City Code. An outline of this process is provided below:

Step One: An application for the individual designation of a single-family home as an historic structure is submitted by the property owner to the Planning Department for recommendation to the Historic Preservation Board. The Board will make a determination as to whether the single-family home may be designated as an historic structure based upon the requirements and criteria of Section 118-592 in the Land Development Regulations of the City Code.

Step Two: Upon receipt of a completed application package, the Planning Department prepares a Designation Report that will be presented to the Historic Preservation Board at a regularly scheduled meeting. The Designation Report is an historical and architectural analysis of the proposed historic structure.

Step Three: The Designation Report is presented to the Historic Preservation Board at a public hearing. If the Board finds that the proposed single-family designation application meets the criteria set forth in Section 118-592 of the Land Development Regulations in the City Code, it may formally adopt the single-family home as a local historic structure. No public hearing is required before the Planning Board or City Commission. Upon the designation of a single-family home as an historic structure, the structure is subject to the Certificate of Appropriateness requirements of Article X of the Land Development Regulations in the City Code, with the exception of the interior areas of the structure as they are not subject to such regulations.

III. RELATION TO ORDINANCE CRITERIA

1. In accordance with Section 118-592 in the Land Development Regulations of the City Code, eligibility for designation is determined on the basis of compliance with the listed criteria set forth below.
 - (a) The Historic Preservation Board shall have the authority to recommend that properties be designated as historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites or historic districts if they are significant in the historical, architectural, cultural, aesthetic or archeological heritage of the city, the county, state or nation. Such properties shall possess an integrity of location, design, setting, materials, workmanship, feeling or association and meet at least one (1) of the following criteria:
 - (1) Association with events that have made a significant contribution to the history of the city, the county, state or nation;

- (2) Association with the lives of persons significant in the city's past history;
 - (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;
 - (4) Possesses high artistic values;
 - (5) Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
 - (6) Have yielded, or are likely to yield information important in pre-history or history;
 - (7) Be listed in the National Register of Historic Places;
 - (8) Consist of a geographically definable area that possesses a significant concentration of sites, buildings or structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction.
- (b) A building, structure (including the public portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.
2. The single-family home that is located at 55 Palm Avenue is eligible for designation as an historic structure as it complies with the criteria as specified in Section 118-592 in the Land Development Regulations of the City Code outlined above.
- (a) Staff finds the proposed historic site to be eligible for historic designation and in conformance with the designation criteria for the following reasons:
- (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;
- Built in 1928 and designed by Raymond DeC. Weakley, the subject home is an exceptional example of the Mediterranean Revival style of architecture, which was the style of choice from the first major land development period in Miami Beach. Some of its significant architectural features that are reflective of the Mediterranean Revival style include: rough stucco wall surfaces, multiple clay barrel tile roofs, twisted rope columns, arched masonry openings, multi-lited casement windows, wooden screen doors with turned spindles, and a campanile-inspired chimney. The residence also incorporates in its design a unique and now rare material, coral rock. Unfortunately, there are only a handful of coral rock structures that remain in the City today. On the interior of the residence, there are many original design elements, including exposed wooden ceilings with rafters, rough plaster walls, an arched built-in bookcase, a decorative fireplace, an arched wall recess, arched door openings, and terra cotta tiled floors of various patterns.

- (4) Possesses high artistic values;

The many defining architectural features of the subject home enhance the special character of Palm Island. They are well refined design elements that embody the spirit of Mediterranean Revival architecture. The carefully executed design was clearly done with the highest regard to the character of the house and the residential island in which it rests, as evidenced by the close attention to detail expressed throughout the design.

- (5) Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;

Although little is known about the architect of the single-family home located at 55 Palm Avenue, Raymond DeC. Weakley is also credited for designing the Mediterranean Revival style Los Rosas Apartments in two phases for Dr. Armando Rosales, 1560 Jefferson Avenue in 1936 and 1550 Jefferson Avenue in 1937. Both of these buildings are contributing properties within the local Flamingo Park Historic District as well as the Miami Beach National Register Architectural District.

- (b) A building, structure (including the public portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.

The subject home maintains a high degree of its architectural integrity with limited modifications. Restoration and appropriate renovation can be successfully completed of this Mediterranean Revival home by careful analysis of on-site conditions and available historic documentation.

IV. DESCRIPTION OF BOUNDARIES

The subject property is located at 55 Palm Avenue on Palm Island in Biscayne Bay or, more specifically, at Lot 13, in Block 1, of the Palm Island subdivision, according to the Plat thereof, as recorded in Plat Book 6, at Page 54, of the Public Records of Miami-Dade County, Florida. Said lands located, lying, and being in the City of Miami Beach, County of Miami-Dade, Florida.

V. PRESENT OWNER

The present owner of the subject property is Dr. Noaman Sanni.

VI. PRESENT USE

The original and current use of the subject property is single-family residential.

VII. PRESENT ZONING DISTRICT

The subject property is located in the RS-1 or Residential Single-Family Zoning District.

VIII. HISTORICAL AND ARCHITECTURAL BACKGROUND

Single-Family Home at 55 Palm Avenue

Designed by Raymond DeC. Weakley, the single-family home located at 55 Palm Avenue was constructed in 1928 at a cost of \$13,500. It was built by Wendel Andreas for his own private residence. Andreas was the president of the Northern Building Company. This single-family home was featured in the 1932 edition of "Along Greater Miami's Sun-Sea-Ara," a register of prominent residents and their fine homes in the Greater Miami area (see **Figures 1 and 2**).

The subject home is an exceptional example of the Mediterranean Revival style of architecture. The predominately one-story structure has a roughly L-shaped plan with varied massing and delicate proportions. The main section of the home is set back about 70 feet from the front property line. It has a covered front porch, a two-story high great living room in the center area, a rear covered loggia, two bedrooms on the west side, and a dining room and kitchen on the east side. The one-story wing at the east side of the home has a bedroom, a servant's room, a chauffeur's room, a laundry space, a covered walkway and terrace (now partially infilled), and a two-car garage. The garage is accessed from both Palm Avenue and the interior circular driveway. On the south, west, and east sides of the property, there is a decorative masonry fence wall with recessed panels. An elaborately carved wooden gate is located at the west end of the masonry fence wall on the south side of the site. This gate is flanked by square masonry columns with scrolled details.

Characteristic of the Mediterranean Revival style of architecture, the distinctive residence has rough stucco wall surfaces, multiple clay barrel tile roofs, twisted rope columns, arched masonry openings, and wooden screen doors with turned spindles. The home still retains its original multi-paned, steel French doors and casement windows, some of which have arched and flat transoms.

On the south elevation, which faces Palm Avenue, the residence has a one-story, screened front porch that features a shed roof with clay barrel tiles, three arched openings supported by twisted columns, and entrance steps on its west end. To either side of the front porch, the home incorporates in its design a unique and now rare material, coral rock. This stonework also wraps the west end of the structure. To the north of the front porch, a section of the residence rises above the main roof for a two-story high great living room on the interior. It has three quatrefoil-shaped windows on each of the north and south elevations and two porthole windows on each of the east and west elevations, which allow for additional light in the great living room. This section of the home also has a gabled roof with clay barrel tiles and a campanile-inspired chimney at its east end.

In the east wing, near the southeast corner of the residence, an octagonal-shaped tower rises above the main roof. It has a pyramidal clay barrel tile roof, a corbel course below the roof eave, and a bell mounted on a projecting bracket towards the top of the tower. The base of the tower has three arched masonry openings, which lead to a covered walkway and terrace. The covered walkway and terrace incorporate intricate ornamental masonry window screens on the east and west elevations of the east wing.

On the north elevation, which overlooks Hibiscus Island and Biscayne Bay, the home has a one-story, screened loggia that features a flat roof with alternating clay barrel tile coping between scrolled parapet walls with finials. It has five arched masonry openings with an entrance at its center. This entrance has an original wooden screen door with turned spindles and terra cotta tiles on the steps.

The interior of the residence still retains many original design elements. The two-story high great living room features an exposed wooden ceiling with rafters, rough plaster walls, and a terra cotta

tiled floor. On the east wall of the great living room, there is an original decorative fireplace that is composed of a sloping chimney-breast and a mantle that rests upon columns with Corinthian capitals. Below the mantle, colorful patterned ceramic tiles span between the column capitals. There is an original arched bookcase built-in to the wall to the north of the fireplace and an arched doorway opening to its south side. On the west side of the great living room, there is an arched recess (presently it holds a mirror) that is flanked by two arched door openings. The arched recess is highlighted by two, small columns with Corinthian capitals that rest upon a ledge. The home also retains its original exposed wooden ceilings with rafters in the front covered porch, rear covered loggia, west bedrooms, kitchen, and covered walkway. Most of the floors appear to have their original terra cotta tiles of various patterns. Together all of these architectural features contribute to the special character and architectural significance of this residence.

The subject home maintains a high degree of its architectural integrity with limited modifications. These modifications include the following: the infill of two of the three arched masonry openings on the west elevation of the east wing in the covered terrace between the tower and garage, the expansion of the dining room towards the north into the rear covered loggia with folding French doors in conjunction with the enclosure of three masonry openings with a single door flanked by two casement windows, and the construction of an open exterior staircase at the northeast corner of the house to access the roof and provide a lookout over Hibiscus Island and Biscayne Bay. These limited modifications do not have a significant negative impact on the architectural integrity of the residence. Restoration and appropriate renovation can be successfully completed of this Mediterranean Revival house by careful analysis of on-site conditions and available historic documentation.

Mediterranean Revival (late 1910s to 1930s)

Mediterranean Revival architecture was the "style of choice" for the first major land development period in Miami Beach. Designed to evoke the romanticism of Mediterranean resort architecture, it combined Italian, Moorish, North African, and Southern Spanish themes. This style was found to be an appropriate and commercially appealing image for the new Floridian seaside resort. It was a style that was simultaneously being used expansively in California and other areas of similar climate.

During the late 1910s through the 1930s, the Mediterranean Revival style was applied to hotels, apartment buildings, commercial structures, and single-family residences. Its architectural vocabulary was characterized by low-pitched terra cotta and historic Cuban barrel tile roofs, scrolled or tile capped parapet walls, wooden rafter tails, sculptural chimney tops, rough stucco wall surfaces, decorative bas relief panels or cartouches, terra cotta tiled floors of various patterns, arched masonry openings, decorative vents, twisted columns, decorative window grilles and balcony railings of wrought iron or wood, heavy wood paneled entrance doors, and articulated door surrounds (sometimes utilizing Spanish Baroque decorative motifs and Classical elements). Feature detailing was occasionally executed in keystone or patterned ceramic tile.

Application of the architectural vocabulary in Miami Beach ranged from sparing to modestly exuberant, and building massing varied from a simple rectangular form to stepped massing with recessed wall planes, multi-level roofs, tower-like corner features, covered loggias, and projecting balconies. Wooden casement or double-hung windows of several configurations provided additional detail to the facades.

Raymond DeC. Weakley

Although little is known about the architect of the single-family home located at 55 Palm Avenue, Raymond DeC. Weakley is also credited for designing the Mediterranean Revival style Los Rosas Apartments in two phases for Dr. Armando Rosales, 1560 Jefferson Avenue in 1936 and 1950.

Jefferson Avenue in 1937. Both of these buildings are contributing properties within the local Flamingo Park Historic District as well as the Miami Beach National Register District.

IX. PLANNING DEPARTMENT RECOMMENDATIONS

1. **Criteria for Designation:** Based upon the evidence presented and the historical and architectural significance of the single-family home located at 55 Palm Avenue, and in accordance with Chapter 118, Article X, Division 4, of the Land Development Regulations of the City Code, the staff of the City of Miami Beach Planning Department recommends that the Historic Preservation Board adopt the subject property as a local historic structure.
2. **Site Boundaries:** The Planning Department recommends that the boundaries of the historic structure consist of the subject property at Lot 13, in Block 1, of the Palm Island subdivision, according to the Plat thereof, as recorded in Plat Book 6, at Page 54, of the Public Records of Miami-Dade County, Florida.
3. **Areas Subject to Review:** The Planning Department recommends that the proposed historic structure shall be subject to Section 118-591(g) of the Land Development Regulations of the City Code.
4. **Review Guidelines:** The Planning Department recommends that a decision on an application for a Certificate of Appropriateness shall be based upon Section 118-591(g) of the Land Development Regulations of the City Code.

X. BOARD ACTION

On December 13, 2005, the Historic Preservation Board reviewed the Designation Report with recommendations prepared by the staff of the Planning Department regarding the designation of the single-family residence at 55 Palm Avenue as an historic structure. Based upon the evidence presented and the historical and architectural significance of the subject property, and in accordance with Chapter 118, Article X, Division 4, of the Land Development Regulations of the City Code, the Board unanimously approved a motion (5 to 0; 1 absence) to adopt the single-family residence at 55 Palm Avenue as an historic single-family residential structure (referred to as HSFRS-5).

XI. FIGURE INDEX

- Figure 0:** (Cover) Historical Museum of Southern Florida, Frank F. Stearns, "Along Greater Miami's Sun-Sea-Ara," (booklet) February 1932, p. 58.
Figure 1: Ibid., p. 61.
Figure 2: Ibid., p. 58.

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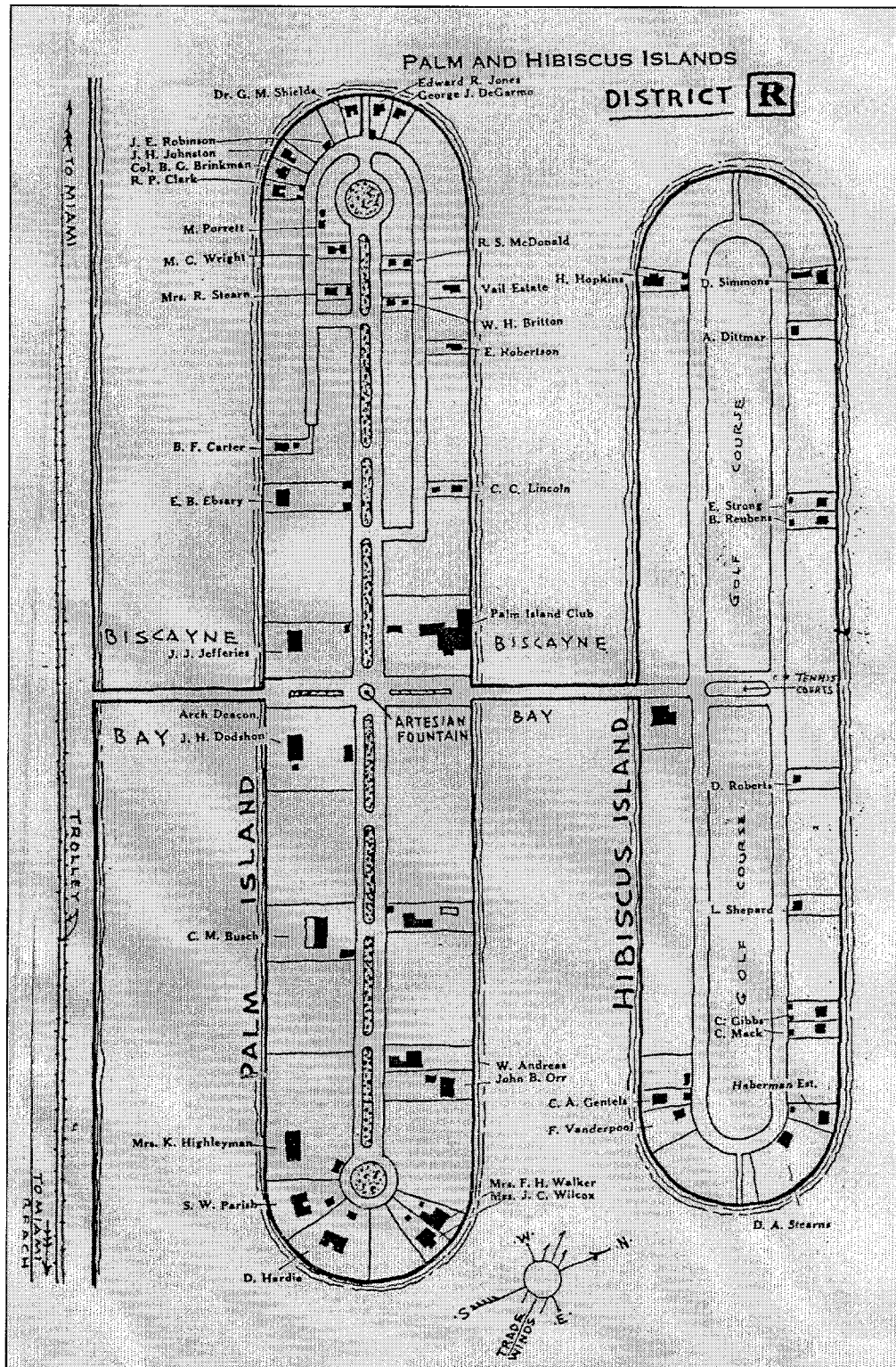


Figure 1 Wendel Andreas and his residence at 55 Palm Avenue were featured in the 1932 edition of "Along Greater Miami's Sun-Sea-Ara," a register of prominent residents and their fine homes in the Greater Miami area. Andreas was the president of the Northern Building Company at that time. The footprint of the subject home is seen at the northeast end (lower right) of Palm Island in the above map.

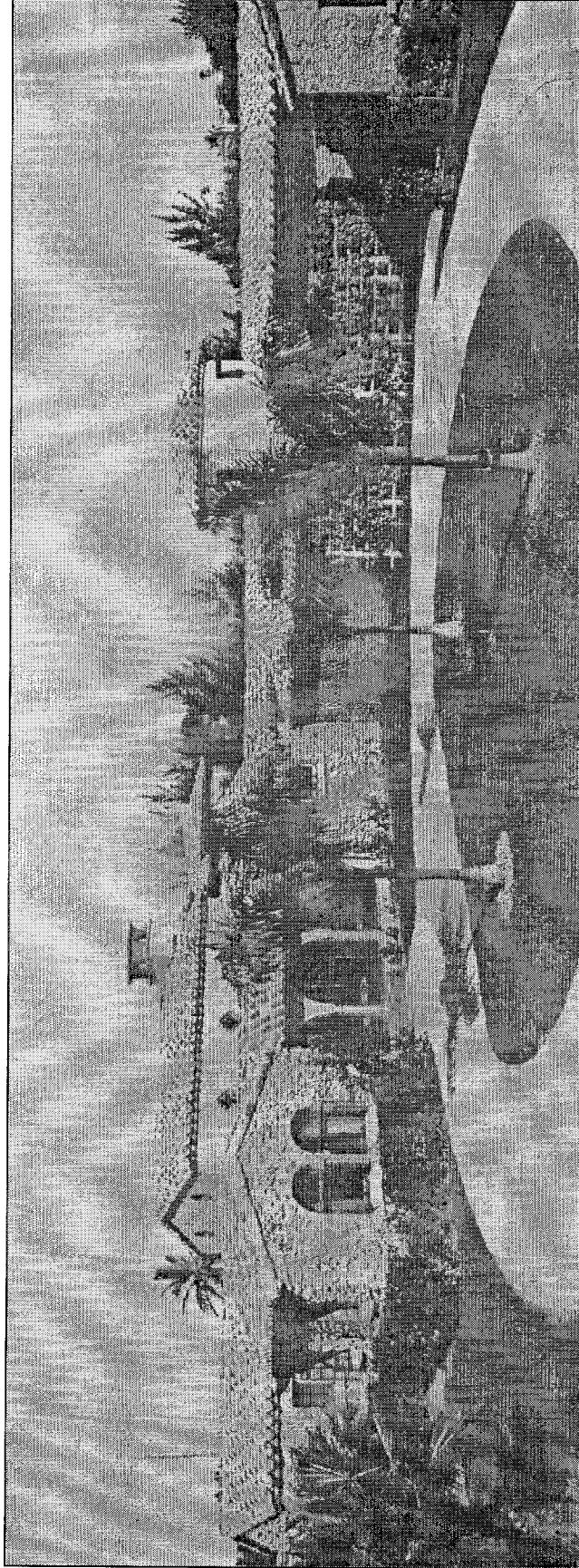


Figure 2 Built in 1928 and designed by Raymond DeC. Weakley, the single-family home located at 55 Palm Avenue is an exceptional example of the Mediterranean Revival style of architecture. This historic photo was taken of the subject home for the 1932 edition of "Along Greater Miami's Sun-Sea-Ara," just four years after its original construction.

Exhibit "B"

**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: December 13, 2005

FILE NO: 3221

PROPERTY: 55 Palm Avenue – Single Family Home

LEGAL: Lot 13, in Block 1, of the Palm Island subdivision, according to the Plat thereof, as recorded in Plat Book 6, at Page 54, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing home and the construction of a new 2-story, main home addition.

ORDER

The applicant, Dr. Noaman Sanni, filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. The subject home is individually designated as an historic structure.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria a, b, d, e, f, and g in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria b, c, h, j, and m in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness Criteria for Demolition 2, 3, 8 and 9 in Section 118-564(f)(4).
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
 - 1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. Security bars shall not be permitted on windows or doors.

- b. The proposed roof with alternating clay barrel tile coping between scrolled parapet walls with finials shall not be permitted over the front porch of the historic home. The original shed roof over the front porch (incorrectly portrayed on the provided elevations) shall be retained and preserved, in a manner to be reviewed and approved by staff.
- c. Any replacement roof tiles shall match the historic home's existing clay barrel tiles, subject to the review and approval of staff.
- d. A full proposed east courtyard elevation shall be provided; a blind recess shall be created in the proposed enclosed opening located to the north of the proposed maids' quarters on the west elevation of the historic home's east wing, as well as in the area of the proposed enclosure of the existing garage opening on the north side of the proposed maids' quarters, in a manner to be reviewed and approved by staff.
- e. The proposed removal of two wooden garage doors for replacement with stuccoed masonry panels with new inset windows shall not be permitted on the front elevation of the historic home's east wing. Said garage doors shall be retained and preserved or replaced with new wooden garage doors designed to be consistent with the historic architecture, in a manner to be reviewed and approved by staff. An infill wall may be constructed behind the original garage doors on the interior of the structure.
- f. The relocated vehicular access gate with its flanking masonry columns and scrolled details shall be recreated to match the original design, in a manner to be reviewed and approved by staff.
- g. All original windows, arched and flat transoms, and doors that are proposed to be replaced in the historic home shall match their original configurations, in a manner to be reviewed and approved by staff.
- h. The original wooden screen doors with turned spindles shall be retained and preserved in the historic home, in a manner to be reviewed and approved by staff.
- i. Full details of the proposed covered connector from the historic home to the proposed new garage shall be provided; such structure shall be fully self-supporting and attached to the historic home along only its northernmost extension to minimize the demolition of coral rock, in a manner to be reviewed and approved by staff.

- j. The number and size of openings on the east elevation of the historic home's existing back terrace and dining room shall be modified to match their original configurations, in a manner to be reviewed and approved by staff.
- k. Blind recesses shall be created where original openings on the east and west ends of the front porch are enclosed in the historic home.
- l. The original ornamental masonry windows screens shall be retained and preserved in the historic home, in a manner to be reviewed and approved by staff.
- m. The proposed demolition and introduction of two windows shall not be permitted at the east end of the front elevation of the historic home. The original window masonry opening, its original configuration, and the surrounding coral rock in said location shall be retained and preserved, in a manner to be reviewed and approved by staff.
- n. The proposed infill of the original arched transom windows shall not be permitted at the west end of the front elevation of the historic home.
- o. The proposed demolition at the north ends of the west and east elevation walls in the existing rear bedroom of the historic home as well as the increase in height and relocation of the roof ridgeline above the rear bedroom shall not be permitted. The proposed contemporary windows and removal of the coral rock on the west elevation of the historic home shall not be permitted. The original roof ridgeline above the rear bedroom shall be maintained, and the coral rock that wraps the west end of the historic home shall be retained and preserved, in a manner to be reviewed and approved by staff.
- p. The proposed one-story connecting wing, which is located on the west side of the property between the historic home and new home, shall be set back 6 to 8 inches on the east and west elevations to better differentiate the historic home from the new construction. This may require the higher roof ridgeline of the proposed connecting wing to be moved slightly to the north and an adjustment of the location of the new French doors.
- q. The proposed interior demolition of the original arched door openings and arched wall recess that is highlighted by columns with Corinthian capitals shall not be permitted on the west wall of the two-story high, great living room in the historic home. The original architectural features in the great living room shall be retained and preserved, including the exposed wooden ceiling with rafters, clerestory windows, rough plaster walls, and terra cotta tiled floor, as well as the decorative fireplace, sloping chimney breast, arched bookcase niche, and arched door opening on the east wall; and on the west

- wall, the arched wall recess with columns and flanking arched door openings, in a manner to be reviewed and approved by staff.
- r. The original terra cotta tiled floors and exposed wooden ceilings with rafters shall be retained and preserved in the existing front porch, dining room, and rear porch of the historic home, in a manner to be reviewed and approved by staff.
 - s. The east and west elevations of the new home shall be further studied and developed to reduce their massive appearance by incorporating additional changes in plane, in a manner to be reviewed and approved by staff.
 - t. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. All exterior walkways and driveways shall consist of decorative pavers, set in sand or other equally semi-pervious material, subject to the review and approval of staff.
 - b. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
 - c. Prior to the issuance of a Certificate of Occupancy, the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
3. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
4. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
5. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be approved by staff.

6. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.
7. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - b. Mill/resurface asphalt in rear alley along property, if applicable.
 - c. Provide underground utility service connections and on-site transformer location, if necessary.
 - d. Provide back-flow prevention devices on all water services.
 - e. Provide on-site, self-contained storm water drainage for the proposed development.
 - f. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - g. Payment of City utility impact fees for water meters/services.
 - h. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - i. Right-of-way permit must be obtained from Public Works.
 - j. All right-of-way encroachments must be removed.
 - k. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
8. A drawn plan and written procedure for the proposed demolition shall be prepared and submitted by a Professional Structural Engineer, registered in the State of Florida, which fully ensures the protection of the public safety, as well as the protection of the existing structure on the subject site and all existing structures adjacent to the subject site during the course of demolition.

9. The Certificate of Appropriateness for Demolition shall only remain in effect for the period of time that there is an active Certificate of Appropriateness for the associated new construction on the subject property.
10. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
11. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were amended by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-11, inclusive) hereof, to which the applicant has agreed.

No building permit may be issued unless and until all conditions of approval as set forth herein have been met. The issuance of a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including zoning approval. If adequate handicapped access is not provided, this approval does not mean that such handicapped access is not required or that the Board supports an applicant's effort to seek waivers relating to handicapped accessibility requirements.

When requesting a building permit, three (3) sets of plans approved by the Board, modified in accordance with the above conditions, shall be submitted to the Planning Department. If all of the above-specified conditions are satisfactorily addressed, the plans will be reviewed for building permit approval. Two (2) sets will be returned to you for submission for a building permit and one (1) set will be retained for the Historic Preservation Board's file.

If the Full Building Permit is not issued within eighteen (18) months of the meeting date at which this Certificate of Appropriateness was granted and construction does not commence and continue in accordance with the requirements of the applicable Building Code, the Certificate of Appropriateness will expire and become null and void, unless the applicant, prior to expiration of such period, makes application to the Board for an extension of time; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this **Order** shall subject the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

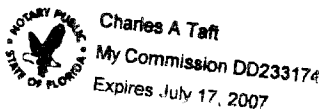
Dated this 18 day of JANUARY, 2006.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: *Thomas R. Mooney*
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 19TH day of JANUARY 2006 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Charles A. Taft
NOTARY PUBLIC CHARLES A. TAFT
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
Legal Department: *gkled* (1-18-06)

Filed with the Clerk of the Historic Preservation Board on 1/19/06 (ent)

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Exhibit “C”

**Single-Family Property at
55 Palm Avenue**

1. Tax Exemption Final Order of the Historic Preservation Board
(HPB File No. 3221)
2. Preconstruction Application for Historic Ad Valorem Tax Exemption
3. Supplemental Materials
(Includes Property Survey, Property Tax Information, Building Permit Card, and
Microfiche of the Original Architectural Plans)
[Under Separate Cover]
4. Current Photo Booklet
[Under Separate Cover]
5. Architectural Drawings of the Existing Conditions and Proposed Improvements
[Under Separate Cover]

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: December 13, 2005

FILE NO: 3221

PROPERTY: 55 Palm Avenue – Single Family Home

LEGAL: Lot 13, in Block 1, of the Palm Island subdivision, according to the Plat thereof, as recorded in Plat Book 6, at Page 54, of the Public Records of Miami-Dade County, Florida.

IN RE: The application requesting that the Historic Preservation Board recommend approval for an Historic Ad Valorem Tax Exemption for the restoration, renovation, and rehabilitation of the existing home, as well as for the new construction proposed for the site.

ORDER

The applicant, Dr. Noaman Sanni, filed an application with the City of Miami Beach Planning Department requesting that the Historic Preservation Board recommend approval for an Historic Ad Valorem Tax Exemption for the restoration, renovation, and rehabilitation of the existing home, as well as for the new construction proposed for the site.

The City of Miami Beach Historic Preservation Board makes the following FINDING OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

Based on the plans and documents submitted with the application, testimony and information provided by the applicant, the analysis and reasons set forth in the Staff Report, and consistency with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness Criteria in Section 118-564 of the Miami Beach City Code, the Historic Preservation Board recommends in favor of the application for Miami Beach Historic Ad Valorem Tax Exemption for the subject single-family residence.

IT IS HEREBY ORDERED, based upon the foregoing finding of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, including the staff report and analysis, which are adopted herein, including the staff recommendations, that the Historic Preservation Board recommends in favor of the application for Miami Beach Historic Ad Valorem Tax Exemption for the above-referenced property.

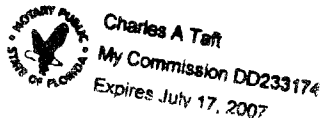
Dated this 18 day of JANUARY, 2006

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: Thomas R. Mooney
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 19TH day of JANUARY 2006 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Charles A. Taft
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form: _____
Legal Department: [Signature] (1-17-2006)

Filed with the Clerk of the Historic Preservation Board on 1/19/06 (cut)

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CITY OF MIAMI BEACH
HISTORIC AD VALOREM TAX EXEMPTION FOR SINGLE-FAMILY PROPERTIES

PART 1 – PRECONSTRUCTION APPLICATION

Instructions: Prior to any construction or demolition for an eligible single-family property, the Part 1 – Preconstruction Application is submitted to the City of Miami Beach Planning Department for review and approval by the Historic Preservation Board and City Commission at separate public hearings. Read the attached instructions carefully before completing this application. Your application cannot be evaluated unless it is complete and all required supporting materials are provided. In the event of any discrepancy between the application form and other supplementary materials submitted with it (such as architectural drawings and specifications), the application form shall take precedence. Type or print clearly in black ink. Attach additional sheets if necessary.

I. PROPERTY IDENTIFICATION AND LOCATION

Site Name (Original/Current): _____

Property Address: 55 Palm Avenue, Miami Beach, Florida

Folio Number: 02-4205-001-0130 Plat Book: 6 Page Number: 54

Legal Description (Lot, Block, & Subdivision): Lot 15, Block 1, Palm Island Subdivision,

Plat Book 6, Page Number 54

Attach the Public Value Inquiry, which can be obtained at the Miami-Dade County Property Appraiser's Office, 111 NW 1st Street, Suite 710, Miami, Florida 33128 or <http://miamidade.gov>.

Locally Designated Historic Property

☒ Individually designated as a local Historic Site or Structure

☐ Contributing Property within a local Historic District

Listed in the National Register of Historic Places

☐ Individually designated as an Historic Site in the National Register

☐ Contributing Property within an Historic District in the National Register

Name of Historic District _____

Attach the local Historic Designation Report or the National Register Nomination.

II. OWNER INFORMATION

Name of Individual(s) or Organization Owning the Property:

Dr. Noaman Sanni

Mailing Address: P.O. Box 57

City: Watertown State: NY Zip: 13601

Contact Person: Michael J. Marrero

Daytime Phone No.: (305) 374-5300 Cell Phone No.: _____

Fax: (305) 377-6222 E-mail: mmarrero@brzoninglaw.com

If property is held in multiple ownership, attach a list of all owners and their mailing addresses.

III. CURRENT PHYSICAL DESCRIPTION OF PROPERTY

This section is used to determine what particular features of the building and site contribute to the overall historic character of the property. Describe the building in its present condition (before improvements), and identify any changes that have been made to the building since its original construction. Attach additional sheets if necessary.

A. General Information - History

Original Architect: Raymond Weakley Year Built: 1929

Original Builder: Wendel Andrea

Architectural Style:

- | | |
|--|--|
| <input type="checkbox"/> Vernacular | <input type="checkbox"/> Colonial Revival |
| <input checked="" type="checkbox"/> Mediterranean Revival | <input type="checkbox"/> Neoclassical Revival |
| <input type="checkbox"/> Mediterranean Revival/Art Deco Transitional | <input type="checkbox"/> Bungalow/Craftsman |
| <input type="checkbox"/> Art Deco | <input type="checkbox"/> Monterey |
| <input type="checkbox"/> Streamline Moderne | <input type="checkbox"/> Post War Modern/Miami Modern (MiMo) |
| <input type="checkbox"/> Other Architectural Style: | |

Alterations: Provide date and description of physical alterations to the property (e.g., casement windows replaced with jalousie type, entire main structure, 1955; Florida room enclosed with French doors and arched transoms, west elevation, circa 1985; etc.).

None.

Additions: Provide date and description of any additions to the property (e.g., second floor bedroom addition, southwest corner, 1974; two-story wing addition, north side, 1987; etc.).

None.

B. Exterior Features

Indicate all exterior features or materials that apply to the building in its present condition (before improvements).

Number of Stories: 1

Building Height: 15'

Basic Floor Plan:

- ☐ Rectangle ☒ "L"-shaped ☐ "T"-shaped ☐ "U"-shaped ☐ "H"-shaped
☐ Square ☐ Irregular
☐ Other Floor Plan:

Exterior Fabric:

- ☒ Stucco ☐ Wood Shingle ☐ Wood Siding ☒ Natural Stone ☐ Brick
☐ Other Exterior Fabric(s):

Type of Roof:

- ☐ Hipped ☒ Gabled ☐ Flat w/Eaves ☐ Flat w/Parapet ☐ Pent/Shed
☐ Other Roof Type(s):

Roof Material:

- | | | | | |
|--|---------------------------------|----------------------------------|-----------------------------------|---|
| <u>Clay Tile</u> | <u>Cement Tile</u> | <u>Shingle</u> | <u>Metal</u> | <input type="checkbox"/> Built Up/Asphalt |
| <input checked="" type="checkbox"/> Barrel | <input type="checkbox"/> Barrel | <input type="checkbox"/> Wood | <input type="checkbox"/> Aluminum | |
| <input type="checkbox"/> S-Type | <input type="checkbox"/> S-Type | <input type="checkbox"/> Slate | <input type="checkbox"/> Copper | |
| <input type="checkbox"/> Flat | <input type="checkbox"/> Flat | <input type="checkbox"/> Asphalt | | |
- ☐ Other Roof Material(s):

Windows:

- | | | | |
|--|--------------------------------------|---|--|
| <input type="checkbox"/> Double-Hung Sash | <input type="checkbox"/> Awning | <input type="checkbox"/> Arched Transom | <input type="checkbox"/> Corner Window |
| <input type="checkbox"/> Single-Hung Sash | <input type="checkbox"/> Sliding | <input type="checkbox"/> Focal Window | <input type="checkbox"/> Projecting Window |
| <input checked="" type="checkbox"/> Casement | <input type="checkbox"/> Fixed | <input type="checkbox"/> Dormer Window | <input type="checkbox"/> Boxed Window |
| <input type="checkbox"/> Jalousie | <input type="checkbox"/> Glass Block | <input checked="" type="checkbox"/> Porthole/Round Window | <input type="checkbox"/> Framed Glass Wall |
- ☐ Other Window Type(s):

Doors:

- ☐ Rusticated Wood Door ☐ Paneled ☐ Flush ☒ French ☐ Sliding
☐ Wrought Iron Screen Door
☐ Other Door Type(s):

Historically Significant Architectural Features and Materials on the Exterior of the Building:

- | | | |
|---|--|--|
| <input type="checkbox"/> Carved Wooden Detail/Railing | <input checked="" type="checkbox"/> Chimney | <input type="checkbox"/> Decorative Urns/Sculpture |
| <input type="checkbox"/> Wrought Iron Work/Railing | <input type="checkbox"/> Covered Porch | <input type="checkbox"/> Decorative Quoins |
| <input type="checkbox"/> Window Shutters | <input checked="" type="checkbox"/> Loggia/Breezeway | <input type="checkbox"/> Decorative Attic Vent |
| <input type="checkbox"/> Decorative Columns/Pilasters | <input checked="" type="checkbox"/> Tower-like Element | <input checked="" type="checkbox"/> Arched Opening |
| <input type="checkbox"/> Ornate Window/Door Surround | <input checked="" type="checkbox"/> Roof/Sun Deck | <input type="checkbox"/> Roof Rafter Tails |
| <input type="checkbox"/> Bas Relief/Sculpted Panel | <input type="checkbox"/> Balcony/Balconet | <input type="checkbox"/> Rounded Roof Eaves |
| <input checked="" type="checkbox"/> Keystone Feature | <input type="checkbox"/> Second Floor Overhang | <input type="checkbox"/> Eyebrow/Concrete Canopy |
| <input type="checkbox"/> Decorative Ceramic Tile | <input type="checkbox"/> Built-In Niche | <input checked="" type="checkbox"/> Porthole/Round Opening |
| <input type="checkbox"/> Brick/Field Stone Panel | <input type="checkbox"/> Built-In Planter | <input type="checkbox"/> Stucco Molding/Band |
| <input type="checkbox"/> Concrete Breeze Block | <input type="checkbox"/> Porte Cochere | <input type="checkbox"/> Stucco Reveal/Scoreline |
- ☐ Other Significant Exterior Feature(s) or Material(s):

C. Major Interior Features

Describe the historically significant architectural features and materials on the interior of the building, including their location (e.g., wrought iron stair railings and suspended light pendant, entrance foyer; carved keystone fireplace, living room; decorative crown molding and terrazzo floor, dining room; etc.).

The interior contains a fireplace, a ceiling beam, as well as a series of decorative windows.

D. Auxiliary Structures and Site Features

Describe the auxiliary structures and site features on the property, including their location and date of construction (e.g., original fountain, fence wall and wrought iron gate, east side, 1935; swimming pool and cabana, west side, 1960; detached one-story garage; northeast corner, 1991; etc.).

None.

IV. DESCRIPTION OF PROPOSED IMPROVEMENTS

This section is used to describe the existing feature conditions, proposed improvements, and the impact of these improvements on existing features and materials and the overall historic character of the property. All improvements to historic properties will be evaluated for their consistency with the Secretary of the Interior's Standards for Rehabilitation and the Certificate of Appropriateness Criteria in Section 118-564 of the Miami Beach City Code. Applications must contain sufficient information to enable an evaluation and will be returned for insufficient documentation. The application must include labeled "before" photographs of both the interior and exterior of the property, which describe the property and its characteristics. Photographs must be in color; minimum size of each photograph is 3 1/2" by 5."

Use of the Building Before Improvements: Residential

Use of the Building After Improvements: Residential

Estimated Date of Project Commencement: Fall 2005

Estimated Date of Project Completion: Spring 2007

Estimated Cost of Entire Project: \$1,500,000.00

Estimated Cost of Qualifying Improvements: \$1,500,000.00

Type of Work Proposed (indicate all that apply):

☒ Addition ☐ Alteration ☐ Upgrade ☒ Restoration ☐ Rehabilitation

A. Exterior Architectural Features

The following represents an itemization of work to be accomplished. List each feature affected by the proposed improvement and describe the impact to the existing features and materials. Include a numbered photograph of each feature and indicate the architectural plan or drawing number. Describe the entire project. Attach additional sheets if necessary.

Feature 1

Exterior Feature: Principal Façade

Elevation: South Elevation

Date of Feature: 1929 Photo No.: Ext. 1 Plan No.: A-2.50

Describe existing feature and its present condition.

Stone cladding wall in the front with striped awnings on the windows. A circular driveway is present to the south of the structure. Roof tower/chimney is visible from the south.

Describe work on existing feature.

A one-story garage will be added. The driveway will be renovated with a new approach. Awnings will be removed. Windows and doors will be replaced or renovated. Existing front porch is to be renovated as well.

A. Exterior Architectural Features (continued)

Feature 2

Exterior Feature: _____

Elevation: North Elevation

Date of Feature: 1929 Photo No.: Ext. 2 Plan No.: A-2.50

Describe existing feature and its present condition.

Windows and doors with awnings lead into rear porch. Stone cladding on east and west side of the wall. Roof tower/chimney is visible from the north.

Describe work on existing feature.

Living facilities will be added, including a bar, foyer, dining room with covered porch, a gazebo and opening of the rear portion of the structure. Additionally, a deck, swimming pool and a cabana will be added. An additional bedroom will also be added to the second floor.

Feature 3

Exterior Feature: _____

Elevation: East Elevation

Date of Feature: 1929 Photo No.: Ext. 3 Plan No.: A-2.52

Describe existing feature and its present condition.

Existing maid's quarters, laundry room and three bedrooms are presently located on the east wing. The tower extending above the roof includes a large bell to the south side.

Describe work on existing feature.

Bedrooms will be converted into a media room and a bar. Maid's quarters and laundry room will be renovated. A deck will be added with an attached stairwell going to the second floor master bedroom.

Feature 3

Exterior Feature: _____

Elevation: _____ West Elevation _____

Date of Feature: 1929 Photo No.: Ext. 4 Plan No.: A-2.51

Describe existing feature and its present condition.

Two master bedrooms with two bathrooms presently exist on this wing. There is a small hallway connecting the two bedrooms.

Describe work on existing feature.

One bedroom will remain as existing with a renovated bathroom. The other bedroom will be removed to allow for a foyer area. A second story master bedroom with a bathroom will be added to the second floor of this wing. The cabana will also be on this side.

B. Interior Architectural Features

Feature 1

Interior Feature: Fireplace

Room: Living Room

Date of Feature: 1929 Photo No.: Int. 1 Plan No.:

Describe existing feature and its present condition.

Stucco plaster fireplace with decorative elements and columns.

Describe work on existing feature.

Fireplace will be renovated and painted but remain close to form.

Feature 2

Interior Feature: Interior Ceilings

Room: Living Room

Date of Feature: 1929 Photo No.: Int. 1 Plan No.:

Describe existing feature and its present condition.

Gabled ceilings with exposed wooden rafters and beams.

Describe work on existing feature.

The ceilings will be renovated but will maintain their present character.

B. Interior Architectural Features (continued)

Feature 3

Interior Feature: Upper Windows

Room: Living Room

Date of Feature: 1929 Photo No.: Int. 1 Plan No.:

Describe existing feature and its present condition.

A series of opalite windows and quadrifoil windows located in the upper walls of the living room.

Describe work on existing feature.

The windows will remain as they are, and additional windows of comparable character will be added to some of the additions

C. Landscape Features

Feature 1

Landscape Feature: Landscape Tree and Plant Circle

Location on Property: South Elevation (Front)

Date of Feature: 1929 Photo No.: Ext. 1 Plan No.: A-1.02

Describe existing feature and its present condition.

A round tree and plant circle surrounded by the circular driveway immediately in front of the principal façade of the house.

Describe work on existing feature.

This landscape feature will remain on the property and will be surrounded by the renovated driveway.

C. Landscape Features (continued)

Feature 2

Landscape Feature: _____

Location on Property: _____

Date of Feature: _____ Photo No.: _____ Plan No.: _____

Describe existing feature and its present condition.

Describe work on existing feature.

Feature 3

Landscape Feature: _____

Location on Property: _____

Date of Feature: _____ Photo No.: _____ Plan No.: _____

Describe existing feature and its present condition.

Describe work on existing feature.

City of Miami Beach
 Historic Single-Family Ad Valorem Tax Exemption
 Part 1 - Preconstruction Application
 Page 10

V. OWNER ATTESTATION

I hereby attest that the information I have provided is, to the best of my knowledge, correct, and that I own the property described above or that I am legally the authority in charge of the property. Further, by submission of this application, I agree to allow access to the property by representatives of the City of Miami Beach Planning Department for the purpose of verification of information provided in this application. I also understand that, if the requested exemption is granted, I will be required to enter into a Covenant with the City of Miami Beach in which I must agree to maintain the character of the property and the qualifying improvements for the term of the exemption.

NOAMAN SANNI [Signature] 23 AUG 05
 Print Name Signature Date

 Print Name Signature Date

Complete the following if an individual is signing for an organization:


 Title Organization Name

Notarized:

STATE OF FLORIDA)
 COUNTY OF MIAMI-DADE)

Sworn to and subscribed before me this 23 day of AUGUST, 20 05. The
 foregoing instrument was acknowledged before me by NOAMAN SANNI
 (and) _____ who has (have) produced _____

as identification and / or is (are) personally known to me and who did / did not take an oath.

NOTARY PUBLIC-STATE OF FLORIDA
 Jennifer Marrero
 Commission #DD381270
 Expires: DEC. 21, 2008
 Bonded Thru Atlantic Bonding Co., Inc.

[Signature]
 NOTARY PUBLIC'S SIGNATURE

JENNIFER MARRERO
 PRINT NAME

My Commission Expires: _____

Multiple owners must provide the same information as above. Use additional sheets if necessary.

V. OWNER ATTESTATION

I hereby attest that the information I have provided is, to the best of my knowledge, correct, and that I own the property described above or that I am legally the authority in charge of the property. Further, by submission of this application, I agree to allow access to the property by representatives of the City of Miami Beach Planning Department for the purpose of verification of information provided in this application. I also understand that, if the requested exemption is granted, I will be required to enter into a Covenant with the City of Miami Beach in which I must agree to maintain the character of the property and the qualifying improvements for the term of the exemption.

NOAMAN SANNI

Print Name

[Signature]
Signature

23 AUG 05

Date

Print Name

Signature

Date

Complete the following if an individual is signing for an organization:

Title

Organization Name

Notarized:


STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Sworn to and subscribed before me this 23 day of AUGUST, 20 05. The

foregoing instrument was acknowledged before me by NOAMAN SANNI

(and) _____ who has (have) produced _____

as identification and / or is (are) personally known to me and who did / did not take an oath.

NOTARY PUBLIC-STATE OF FLORIDA
 Jennifer Marrero
Commission # DD381270
Expires: DEC. 21, 2008
Bonded Thru Atlantic Bonding Co., Inc.

[Signature]
NOTARY PUBLIC'S SIGNATURE

JENNIFER MARRERO
PRINT NAME

My Commission Expires: _____

Multiple owners must provide the same information as above. Use additional sheets if necessary.

Condensed Title:

A Resolution for an agreement with the State of Florida, Department of Management Services for Statewide Police Radio Operability.

Key Intended Outcome Supported:

Enhance external and internal communications from and within the City.

Issue:

Shall the City Commission approve the agreement with the Department of Management Services to adopt the Radio Operability Gateway System?

Item Summary/Recommendation:

The State of Florida, Department of Management Services is coordinating the participation of local law enforcement agencies in a statewide Radio Interoperability Gateway System. This System provides police agencies with the capability of transmitting and receiving information via radio, agency to agency, statewide. This system is a base station radio console with accompanying support equipment that will be housed in the Public Safety Communications Unit. The system is to be utilized by the Miami Beach Police Department (M.B.P.D.) personnel in the event of emergencies, including but not limited to terrorism related hazards.

As part of this agreement the M.B.P.D. will participate in the required training and exercises scheduled by the Regional Domestic Security Task Forces and comply with the terms and conditions detailed therein. The purpose of this system is to facilitate effective radio communications during times of critical incidents. The cost of this equipment and maintenance if funded by this grant will be for a two year period with no cost incurred by the City.

Advisory Board Recommendation:

N/A

Financial Information:

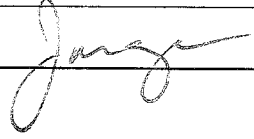
Source of Funds:		Amount	Account	Approved
	1			
	2			
	3			
	4			
OBPI	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Cara Tuzeo, Manager, Public Safety Communications Unit

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

\\AGENDA\2006\feb0806\consent\Commission Item Summary Radio Operability.doc





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE A SUBGRANT AGREEMENT FOR EQUIPMENT FOR FLORIDA STRATEGY BETWEEN THE CITY OF MIAMI BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES, AUTHORIZING THE MIAMI BEACH POLICE DEPARTMENT (M.B.P.D.) TO PARTICIPATE IN THE STATE AND LOCAL DOMESTIC PREPAREDNESS EQUIPMENT PROGRAM; RADIO INTER-OPERABILITY GATEWAY SYSTEM.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The State of Florida, Department of Management Services is coordinating the participation of local law enforcement agencies in a statewide Radio Inter-Operability Gateway System. This System provides police agencies with the capability of transmitting and receiving information via radio, agency to agency, statewide. This system is a base station radio console with accompanying support equipment that will be housed in the Public Safety Communications Unit. The system is to be utilized by M.B.P.D. personnel in the event of emergencies, including but not limited to terrorism related hazards.

As part of this agreement the M.B.P.D. will participate in the required training and exercises scheduled by the Regional Domestic Security Task Forces and comply with the terms and conditions detailed therein. The purpose of this system is to facilitate effective radio communications during times of critical incidents. The cost of this equipment and maintenance if funded by this grant will be for a two year period with no cost incurred by the City.

DWD/PS/MG

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE A SUBGRANT AGREEMENT FOR EQUIPMENT FOR FLORIDA STRATEGY BETWEEN THE CITY OF MIAMI BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES TO PARTICIPATE IN THE STATE AND LOCAL DOMESTIC PREPAREDNESS EQUIPMENT PROGRAM; RADIO OPERABILITY GATEWAY SYSTEM.

WHEREAS, the Miami Beach Police Department is responsible for the response to emergencies and incidents of terrorism in the City of Miami Beach coordinating critical incident management efforts with other law enforcement agencies; and

WHEREAS, radio communications operability capability is crucial to mitigating emergencies, containment and rescue efforts, and the effective response to critical incidents; and

WHEREAS, the State of Florida, Department of Management Services is inviting the Miami Beach Police Department's participation in a statewide law enforcement agency Radio Interoperability Gateway System, and provide a base station with the capability of transmitting and receiving radio transmissions at no cost to the City of Miami Beach for 2 years; and

WHEREAS, the Subgrant Agreement will become effective the day it is executed and will be for a term of 5 years,

NOW THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission herein authorize the Mayor and City Clerk to execute the attached Subgrant Agreement for Equipment for Florida Strategy, authorizing the Miami Beach Police Department to participate in the Radio Operability Gateway System at no cost for two years.

PASSED and ADOPTED this _____ day of February, 2006

MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney 1/26/06
Date

Contract MA5906-172
Number:
CFDA Number: 16.007

**SUBGRANT AGREEMENT FOR
EQUIPMENT FOR FLORIDA STRATEGY**

THIS AGREEMENT is entered into this _____ of _____, 2005, by and between the State of Florida, Department of Management Services, with headquarters in Tallahassee, Florida (hereinafter referred to as the "DMS"), and the City of Miami Beach, Florida on behalf of its police department (hereinafter referred to as the "Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING FACTS:

- A. WHEREAS, the State of Florida is vulnerable to a wide array of disasters, which includes disasters caused by terrorist acts; and
- B. WHEREAS, the parties desire to improve the capability and the coordination of the State of Florida and its local and regional agencies of government to respond to terrorist acts; and
- C. WHEREAS, the Department of Community Affairs has prepared and had approved by the U.S. Department of Justice, the State and Local Domestic Preparedness Equipment Program Florida Strategy, dated September 20, 2001 ('the Florida Strategy'), to allow the State of Florida to participate in the State and Local Domestic Preparedness Equipment Program; and
- D. WHEREAS, the Department of Community Affairs has received these grant funds from the federal government and has the authority under the Emergency Management Act, as amended, to sub-grant these funds and/or equipment and services purchased with these funds and to otherwise provide assistance to improve the disaster response capabilities of local governments; and

E. WHEREAS, the Recipient represents that it is fully qualified and eligible to receive from DMS the grant of equipment to provide the services identified herein; and

F. WHEREAS, the DMS has authority pursuant to Florida law to disburse the funds under this Agreement.

NOW, THEREFORE, the DMS and the Recipient do mutually agree as follows:

(1) SCOPE OF WORK.

The Recipient shall fully perform the obligations in accordance with the Scope of Work, Attachment B of this Agreement.

(2) INCORPORATION OF LAWS, RULES, REGULATIONS AND POLICIES.

Both the Recipient and the DMS shall be governed by applicable State and Federal laws, rules and regulations, including but not limited to those identified in Attachment A.

(3) PERIOD OF AGREEMENT.

This Agreement shall begin upon execution by both parties and shall continue conterminously with the DMS Interoperability Contract # 04DS-1N-13-00-16-290, unless terminated earlier in accordance with the provisions of Paragraph (7) of this Agreement.

(4) MODIFICATION OF CONTRACT

Either party may request modification of the provisions of this Agreement. Changes, which are mutually agreed upon, shall be valid only when reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Agreement.

(5) RECORDKEEPING

(a) As applicable, Recipient's performance under this Agreement shall be subject to the federal "Common Rule: Uniform Administrative Requirements for State and Local Governments" (53 Federal Register 8034)," and OMB Circular No. A-87, "Cost Principles for State and Local Governments".

(b) The Recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of five years from the date the audit report is issued, and shall allow the DMS or its designee, Comptroller, or Auditor General access to such records upon request. The Recipient shall ensure that audit working papers are made available to the DMS or its designee, Comptroller, or Auditor General upon request for a period of five years from the date the audit report is issued, unless extended in writing by the DMS, with the following exceptions:

1. If any litigation, claim or audit is started before the expiration of the five-year period and extends beyond the five-year period, the records will be maintained until all litigation, claims or audit findings involving the records have been resolved.
2. Records for the disposition of non-expendable personal property valued at \$5,000 or more at the time of acquisition shall be retained for five years after final disposition.
3. Records relating to real property acquisition shall be retained for three years after closing of title.

(c) All records, including supporting documentation of all program costs, expended by the Recipient, if applicable shall, be sufficient to determine compliance with the requirements and objectives of the Scope of Work - Attachment B - and all other applicable laws and regulations.

(d) The Recipient, its employees or agents, including all subcontractors or consultants to be paid from funds provided under this Agreement, shall allow access to its records at reasonable times to the DMS, its employees, and agents. "Reasonable" shall be construed according to the circumstances but ordinarily shall mean during normal business hours of 8:00 a.m. to 5:00 p.m., local time, on Monday through Friday. "Agents" shall include, but not be limited to, auditors retained by the DMS.

(e) Any additional terms and conditions pertaining to records, and all terms and conditions pertaining to property management and procurement under this Agreement are set forth in Attachments.

(6) LIABILITY.

(a) Recipient is a state agency or subdivision, as defined in Section 768.28, Fla. Stat., and agrees to be fully responsible to the extent provided by Section 768.28, Fla. Stat. for its negligent acts or omissions or tortuous acts which result in claims or suits against the DMS, and agrees to be liable for any damages proximately caused by said acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by any Recipient to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of this Agreement or any contract related to this Agreement.

(7) FUNDING CONTINGENCY: DEFAULT; REMEDIES; TERMINATION.

(a) If the necessary funds are not available to fund this Agreement as a result of action by Congress, the state Legislature, the Office of the Chief Financial Officer or the Office of Management and Budgeting ("Funding Contingency"), or if any of the following events occur ("Events of Default"), all obligations on the part of the DMS to make any further donations or payment of funds hereunder shall, if the DMS so elects, terminate and the DMS may, at its option, exercise any of its remedies set forth herein, but the DMS may make any payments or parts of payments after the happening of any Funding Contingency or any Events of Default, (as applicable), without thereby waiving the right to exercise such remedies, and without becoming liable to make any further payment:

1. If any warranty or representation made by the Recipient in this Agreement or any previous Agreement with the DMS shall at any time be false or misleading in any respect, or if the Recipient shall materially fail

to keep, observe or perform any of the terms or covenants contained in this Agreement, and has not cured such in timely fashion, or is unable or unwilling to meet its obligations there under;

2. If any material adverse change shall occur in the financial condition of the Recipient at any time during the term of this Agreement from the financial condition revealed in any reports filed or to be filed with the DMS, and the Recipient fails to cure said material adverse change within thirty (30) days from the date written notice is sent by the DMS.

3. If any reports required by this Agreement have not been submitted to the DMS or have been knowingly submitted with substantial information that is incorrect, incomplete or insufficient;

4. If the Recipient has failed, to a substantial degree, to perform and complete in timely fashion any of the services required under the Scope of Work attached hereto as Attachment B.

(b) Upon the happening of a Funding Contingency, then the DMS may, at its option, upon thirty (30) calendar days prior written notice to the Recipient of termination due to a Funding Contingency, exercise its right to terminate this Agreement. The notice shall be effective when placed in the United States mail, first class mail, postage prepaid, by registered or certified mail-return receipt requested, to the address set forth in Paragraph (8) herein.

(c) Upon the happening of an event of Default, then the DMS may, at its option, upon thirty (30) calendar days prior written notice to the Recipient and upon the Recipient's failure to timely cure, exercise any one or more of the following remedies, either concurrently or consecutively, and the pursuit of any one of the following remedies shall not preclude the DMS from pursuing any other remedies contained herein or otherwise provided at law or in equity:

- (1) Terminate this Agreement, provided that the Recipient is given at least thirty (30) days prior written notice of such termination due to an Event of Default. The notice shall be effective when placed in the United States mail, first class mail, postage prepaid, by registered or certified mail-return receipt requested, to the address set forth in Paragraph (8) herein;
 - (2) Commence an appropriate legal or equitable action to enforce performance of this Agreement;
 - (3) Exercise any other rights or remedies which may be otherwise available under law;
- (d) The DMS may terminate this Agreement for cause upon such written notice as is reasonable under the circumstances. Cause shall include, but not be limited to: misuse of funds, fraud, lack of compliance with applicable rules, laws and regulations; failure to perform in a timely manner; and/or refusal by the Recipient to permit public access to any document, paper, letter, or other material subject to disclosure under Chapter 119, Florida Statutes, as amended.
- (e) Non compliance with any terms of this Agreement and the Scope of Work, Attachment B of this Agreement, by the Recipient shall result in termination of Agreement, which will require return of the equipment to the DMS.
- (f) Suspension or termination constitutes final agency action under Chapter 120, Florida Statutes, as amended. Notification of suspension or termination shall include notice of administrative hearing rights and time frames.
- (g) In addition to any other remedies, the Recipient shall return to the DMS any granted equipment or supplies which were used for ineligible purposes under the program laws, rules, and regulations governing the use of the funds under the program.
- (h) This Agreement may be terminated by the written mutual consent of the parties. In addition, the Recipient has the option to unilaterally terminate this

Agreement. Upon termination of the Agreement, either by mutual consent or unilateral action of either party, all supplies and equipment shall be returned to the DMS by the Recipient.

(8) NOTICE AND CONTACT.

(a) All notices provided under or pursuant to this Agreement shall be in writing and delivered either by hand delivery, or first class, certified mail, return receipt requested, to the representative identified below at the address set forth below and said notification attached to the original of this Agreement.

(b) All communications, written or oral, relating to this Agreement shall be directed to at:

Contract Administrator
Department of Management Services
4030 Esplanade Way, Suite 135E
Tallahassee, Florida 32399-0950
Telephone: 850-410-2404
Fax: 850-922-5313

The Project Officer for this Agreement is Linda Fuchs. She can be contacted for technical assistance relating to this Agreement at the above address, telephone 850/488-8036, or e-mail linda.fuchs@myflorida.com.

The name and address of the Representative of the Recipient responsible for the administration of this Agreement is:

Mgr. Cara Tuzeo
Miami Beach Police Department
1100 Washington Avenue
Miami Beach, Fl. 33139
Office: (305) 673-7776 ext. 3100
Fax: (305) 673-7456
Email: caratuzeo@miamibeachfl.gov

(d) In the event that different representatives or addresses are designated by either party after execution of this Agreement, notice of the name, title, address, telephone, fax and e-mail of the new Representative will be rendered as provided in (8)(a) above.

(9) OTHER PROVISIONS.

(a) The validity of this Agreement is subject to the truth and accuracy of all the information, representations, and materials submitted or provided by the Recipient in this Agreement, in any subsequent submission or response to DMS request, or in any submission or response to fulfill the requirements of this Agreement, and such information, representations, and materials are incorporated by reference. The lack of accuracy thereof, or any material changes shall, at the option of the DMS and with thirty (30) days written notice to the Recipient, cause the termination of this Agreement and the release of the DMS from all its obligations to the Recipient.

(b) This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in Leon County. If any provision hereof is in conflict with any applicable statute or rule, or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict, and shall be deemed severable, but shall not invalidate any other provision of this Agreement.

(c) No waiver by the DMS of any right or remedy granted hereunder or failure to insist on strict performance by the Recipient shall affect or extend or act as a waiver of any other right or remedy of the DMS hereunder, or affect the subsequent exercise of the same right or remedy by the DMS for any further or subsequent default by the Recipient. Any power of approval or disapproval granted to the DMS under the terms of this Agreement shall survive the terms and life of this Agreement as a whole.

(d) The Agreement may be executed in any number of counterparts, any one of which may be taken as an original.

(e) The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), if applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications.

(f) A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of Category Two for a period of 36 months from the date of being placed on the convicted vendor or discriminatory vendor list.

(10) AUDIT REQUIREMENTS.

(a) The Recipient agrees to maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt of equipment and services and expenditure of federal resources under this Agreement.

(b) These records shall be available at all reasonable times for inspection, review, or audit by state personnel and other personnel duly authorized by the DMS.

"Reasonable" shall be construed according to circumstances, but ordinarily shall mean normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

(c) The Recipient shall also provide the DMS with the records, reports or financial statements upon request for the purposes of auditing and monitoring the federal resources awarded under this Agreement.

(d) If the Recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised, and in the event that the Recipient expends \$300,000 or more in Federal awards in its fiscal year, the Recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this Agreement indicates Federal resources awarded through the DMS by this Agreement. In determining the Federal awards expended in its fiscal year, the Recipient shall consider all sources of Federal awards, including Federal resources received from the DMS. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the Recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, will meet the requirements of this paragraph.

In connection with the audit requirements addressed in Paragraph 10(d) above, the Recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.

If the Recipient expends less than \$300,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the Recipient expends less than \$300,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such audit must be paid from Recipient resources obtained from other than Federal entities).

(e) Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by Subparagraph (d) above shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the Recipient directly to each of the following:

Miami Beach Police Department
1100 Washington Avenue
Miami Beach, FL 33156

The Department of Community Affairs at each of the following addresses:

Department of Community Affairs
Office of Audit Services
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

and

Department of Community Affairs
Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320(d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

(f) Pursuant to Section .320 (f), OMB Circular A-133, as revised, the Recipient shall submit a copy of the reporting package described in Section .320 (c), OMB Circular A-133, as revised, and any management letter issued by the auditor, to the DMS at each of the following addresses:

Purchasing Director
Department of Management Services
4050 Esplanade Way
Tallahassee, Florida 32399-0950

(g) Any reports, management letter, or other information required to be submitted to the DMS pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

(h) Recipients, when submitting financial reporting packages to the DMS for audits done in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the Recipient in correspondence accompanying the reporting package.

(i) The Recipient shall retain sufficient records demonstrating its compliance with the terms of this agreement for a period of five years from the date the audit report is issued, and shall allow the DMS, or its designee, the Comptroller, or Auditor General access to such records upon request. The Recipient shall ensure that audit working papers are made available to the DMS, or its designee, the Comptroller, or Auditor General upon request for a period of five years from the date the audit report is issued, unless extended in writing by the DMS.

(11) TERMS AND CONDITIONS.

The Agreement contains all the terms and conditions agreed upon by the parties.

(12) ATTACHMENTS.

- (a) All attachments to this Agreement are incorporated as set out fully herein.
- (b) In the event of any inconsistencies or conflict between the language of this Agreement and the attachments hereto, the language of such attachments shall be controlling, but only to the extent of such conflict or inconsistency.
- (c) This Agreement has the following attachments:

Exhibit 1: Funding Sources

Attachment A: Program Statutes, Rules and Regulations

Attachment B: Scope of Work

Attachment C: System Overview

(13) FUNDING/CONSIDERATION

This is a goods, equipment and supplies grant Agreement. The DMS will grant to the Recipient certain equipment and supplies in order to fulfill the purposes of the Florida Strategy.

(14) STANDARD CONDITIONS.

The Recipient agrees to be bound by the following standard conditions:

- (a) The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature, and subject to any modification in accordance with Chapter 216, Florida Statutes, or the Florida Constitution.
- (b) s.287.057(14)(a). F.S. Contracts for commodities or contractual services may be renewed for a period that may not exceed 3 years or the term of the original contract, whichever period is longer. Renewal of a contract for commodities or contractual services shall be in writing and shall be subject to the same terms and

7

conditions set forth in the initial contract. If the commodity or contractual service is purchased as a result of the solicitation of bids, proposals, or replies, the price of the commodity or contractual service to be renewed shall be specified in the bid, proposal, or reply. A renewal contract may not include any compensation for costs associated with the renewal. Renewals shall be contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds. Exceptional purchase contracts pursuant to paragraphs (5)(a) and (c) may not be renewed.

(c) All bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof.

(d) If otherwise allowed under this Agreement, all bills for any travel expenses shall be submitted in accordance with Section 112.061, Florida Statutes.

(e) The Department of Management Services reserves the right to unilaterally cancel this Agreement for refusal by the Recipient to allow public access to all documents, papers, letters or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the Recipient in conjunction with this Agreement.

(f) If the Recipient is allowed to temporarily invest any advances of funds under this Agreement, any interest income shall either be returned to the DMS or be applied against the DMS's obligation to pay the contract amount.

(g) The State of Florida will not intentionally award publicly-funded contracts to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e) [Section 274A(e) of the Immigration and Nationality Act ("INA")]. The DMS shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A (e) of the INA. Such violation by the Recipient of the

employment provisions contained in Section 274A (e) of the INA shall be grounds for unilateral cancellation of this Agreement by the DMS.

(15) EQUIPMENT AND PROPERTY MANAGEMENT.

(a) The Recipient shall retain ownership of the equipment as defined in Attachment C of this document and control over the placement, administration and maintenance of said radio interoperability gateway system. Any change in placement requires DMS approval. In the event of an emergency change of placement of equipment, DMS shall permit Recipient to change placement as necessary and Recipient shall then make reasonable efforts to notify DMS of such change.

(b) The Recipient shall provide for the recurrent costs of the radio interoperability gateway system. Such costs include, but are not limited to, telecommunications and annual maintenance.

(16) LEGAL AUTHORIZATION.

The Recipient certifies with respect to this Agreement that it possesses the legal authority to receive the funds to be provided under this Agreement and that, if applicable, its governing body has authorized, by resolution or otherwise, the execution and acceptance of this Agreement with all covenants and assurances contained herein. The Recipient also certifies that the undersigned possesses the authority to legally execute and bind Recipient to the terms of this Agreement.

(17) RECEIVING AND INSPECTION CONTACT.

The name of the person responsible to sign for and inspect all goods and equipment provided under this agreement is Aziz Aboreden. All goods and equipment should be delivered to his/her attention at 1100 Washington Avenue, Miami Beach, Fl. 33139.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed by their undersigned officials as duly authorized.

CITY OF MIAMI BEACH,
FLORIDA

STATE OF FLORIDA,
DEPARTMENT OF MANAGEMENT SERVICES

By: _____

By: _____

Name: Jorge M. Gonzalez

Name: John C. Ford

Title: City Manager

Title: Director
Telecommunications & Wireless Services

Date: _____

Date: _____

FEID#: 59-6000372

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

11/4/05

Date

EXHIBIT – 1

FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

NOTE: If the resources awarded to the recipient represent more than one Federal program, provide the same information shown below for each Federal program and show total Federal resources awarded.

Federal Program: United States Department of Justice, Office of Justice Programs
CFDA: 16.007

Equipment Value: \$44,250-\$53,000 depending on final configuration of equipment

COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

NOTE: If the resources awarded to the recipient represent more than one Federal program, list applicable compliance requirements for each Federal program in the same manner as shown below.

Federal Program: Department of Justice Domestic Preparedness Equipment Grant must be used to purchase equipment for use in Domestic Preparedness

STATE RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT MAY CONSIST OF THE FOLLOWING:

1. Radio interoperability gateway system.

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:

N/A

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

N/A

NOTE: Section .400(d) of OMB Circular A-133, as revised, and Section 215.97(5)(a), Florida Statutes, require that the information about Federal Programs and State Projects included in Exhibit 1 be provided to the recipient.

Attachment A

Program Statutes and Regulations

Chapter 252, Florida Statutes

28 CFR (Code of Federal Regulations)

Attachment B

Scope of Work

If applicable to the Recipient, this agreement is entered into as an addendum to current statewide mutual aid agreements and is for the purpose of receiving specialized equipment and participation as a State of Florida Regional Terrorism Response Asset.

The Recipient shall maintain, in a satisfactory operational condition, all goods and equipment provided to it under this agreement (see System Overview, Attachment C) for the normal expected operating lifetime or shelf life of said goods and equipment. This includes routine maintenance, repairs, calibration, etc. The Recipient is not responsible for replacing goods or equipment that has reached the end of its normal life expectancy or exceeded its posted shelflife. The equipment, goods, and supplies ("the eligible equipment") provided under this agreement are for the purposes specified in the State and Local Domestic Preparedness Equipment Program Florida Strategy, hereinafter referred to as the "Florida Terrorism Strategy" or the Florida Comprehensive Emergency Management Plan. The Recipient specifically agrees to:

1. Upon notification by the Division of Emergency Management, the Recipient will in accordance with the statewide mutual aid agreement or other emergency response purpose as specified in the "Florida Terrorism Strategy" respond to any and all incidents within its regional response area with all available and eligible equipment and resources which it needs and is reasonably required for the response, for so long as this agreement remains in effect.
2. Acknowledge the receipt of one (1) radio interoperability gateway system and provide adequate space and facilities for the equipment.
3. The radio interoperability gateway system is to be utilized in the event of emergencies, including, but not limited to, terrorism-related hazards.
4. During the term of this agreement, the Recipient shall participate in not less than one (1) regional training event per year, and in not less than one (1) regional exercise or terrorist event simulation per year as scheduled by the Regional Domestic Security Task Forces.
5. The Recipient shall not transfer, rent, sell, lease, alienate, donate, mortgage, encumber or otherwise dispose of the eligible equipment without the prior written consent of the DMS.
6. Deployment of a radio interoperability gateway system requires appointment of an individual who can coordinate installation activities at the Recipient's location. The Recipient shall be responsible for assuring the availability of an individual for this purpose. The Recipient will respond in a timely manner to project deadlines.

7. Operation of the radio interoperability gateway system requires one (1) individual. The Recipient shall be responsible for assuring the availability of at least one (1) individual for this purpose and associated training.
8. The Recipient shall ensure that the radio interoperability gateway system will be used in accordance with policies and procedures developed by the Regional Domestic Security Task Forces.

If any additional funding becomes available for equipment maintenance, replacement or repair, recurrent costs, training, and/or exercises, Recipient will be eligible to receive a portion of said funds. At this time the parameters to any additional monies have not been defined. Recipient will be notified if additional monies become available.

Attachment C

System Overview

Each Recipient will have the following equipment installed:

1. Radio Gateway Unit (R-GU) (may be shared with other centers at the same location)
2. Workstation Gateway Unit (WS-GU)
3. Soft Switch Radio Network application
4. Dispatch computer with 15" flat panel monitor, keyboard, headset, desktop microphone and speakers
5. Interface modules to local radio systems
6. Telecommunications lines to SUNCOM/MyFloridaNet network with associated router

Note: The Sub-grant Agreement will be amended if there are any significant changes to the above list based on local conditions.

Each Recipient will receive training for a minimum of one (1) staff member in use of the system.

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Condensed Title:

Use of public swale by PAL for a fund raising food concession stand during the Miami International Boat Show from February 16, 2006 to February 20, 2006.

Key Intended Outcome Supported:

Increase satisfaction with recreational programs.

Issue:

Shall the City Commission grant permission to the PAL, a not-for-profit entity, to utilize the public swale area located at Dade Boulevard and Prairie Avenue?

Item Summary/Recommendation:

The Police Athletic League (PAL), a not-for-profit entity, requests permission to operate a fund raising food concession stand utilizing the public swale area, located at Dade Boulevard and Prairie Avenue, adjacent to the Miami Beach Senior High School and/or in close proximity to City Hall. In that this is a significant source of fund raising for the PAL, and the proceeds from the food concession stand are returned to the PAL for its exclusive use in providing innovative and progressive programming for the children of our community; it is recommended that the PAL be granted permission for this fund raising food concession stand using the public swale.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 100px; height: 50px; margin-bottom: 5px;"></div> OBPI	1			
	2			
	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Tricia Reeder, Police Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		<i>[Signature]</i> for JMG

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND ALLOWING THE POLICE ATHLETIC LEAGUE (PAL), A NOT-FOR-PROFIT ENTITY, TO UTILIZE THE PUBLIC SWALE AREA, LOCATED AT DADE BOULEVARD AND PRAIRIE AVENUE, ADJACENT TO MIAMI BEACH SENIOR HIGH SCHOOL, AND / OR IN CLOSE PROXIMITY TO CITY HALL, FOR A FUND RAISING EVENT TO OPERATE A FOOD CONCESSION STAND, FROM FEBRUARY 16-20, 2006, DURING THE MIAMI INTERNATIONAL BOAT SHOW; FURTHER PROVIDING THAT SAID PUBLIC SWALE BE UTILIZED BY PAL SUBJECT TO THE FOLLOWING CONDITIONS: (1) THAT 100% OF THE PROFITS GENERATED FROM THIS FUNDRAISER BE RETURNED TO PAL FOR ITS EXCLUSIVE USE; (2) THAT THE SUBJECT PERMISSION IS GRANTED WITHOUT ESTABLISHING PRECEDENT; AND (3) THAT PAL PROVIDE A CERTIFICATE OF INSURANCE OR OTHER PROOF OF COMPREHENSIVE LIABILITY INSURANCE TO THE CITY, NAMING THE CITY AS AN ADDITIONAL INSURED.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Police Athletic League operates a fund raising food concession during the Miami International Boat Show from February 16 – 20, 2006 for the purpose of supporting the extensive programming they provide for the children of the City of Miami Beach. This fund raising activity successfully brings in much needed monetary support for the PAL.

CONCLUSION

It is recommended that the Mayor and City Commission adopt this Resolution and permit PAL to utilize the swale, and the PAL will be able to raise much needed funds for their operations through the operations of a food concession stand.

DWD\tr

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RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND ALLOWING THE POLICE ATHLETIC LEAGUE (PAL), A NOT-FOR-PROFIT ENTITY, TO UTILIZE THE PUBLIC SWALE AREA, LOCATED AT DADE BOULEVARD AND PRAIRIE AVENUE, ADJACENT TO MIAMI BEACH SENIOR HIGH SCHOOL, AND/OR IN CLOSE PROXIMITY TO CITY HALL, FOR A FUND RAISING EVENT TO OPERATE A FOOD CONCESSION STAND, FROM FEBRUARY 16-20, 2006, DURING THE MIAMI INTERNATIONAL BOAT SHOW; FURTHER PROVIDING THAT SAID PUBLIC SWALE BE UTILIZED BY PAL SUBJECT TO THE FOLLOWING CONDITIONS: (1) THAT 100% OF THE PROFITS GENERATED FROM THIS FUNDRAISER BE RETURNED TO PAL FOR ITS EXCLUSIVE USE; (2) THAT THE SUBJECT PERMISSION IS GRANTED WITHOUT ESTABLISHING PRECEDENT; AND (3) THAT PAL PROVIDE A CERTIFICATE OF INSURANCE OR OTHER PROOF OF COMPREHENSIVE LIABILITY INSURANCE TO THE CITY, NAMING THE CITY AS AN ADDITIONAL INSURED.

WHEREAS, the Administration has received a request from the Miami Beach Police Athletic League (PAL), a not-for profit entity, for permission to utilize the Dade Boulevard swale adjacent to Miami Beach Senior High School, to place and operate a food concession stand during the Miami International Boat Show, from February 16-20, 2006, in conjunction with the Miami Beach Senior High School Parent Teacher Association's (MBSH-PTA) operation of parking on said swale; and

WHEREAS, the Administration recommends approval of PAL's request subject to and contingent upon the following conditions:

1. that 100% of the profits generated from this fundraiser be returned to PAL for its exclusive use;
2. that the subject permission is granted without establishing precedent; and
3. that PAL provide a certificate of insurance or other proof of comprehensive liability insurance to the City, naming the City as an additional insured; and

WHEREAS, It is recommended that the Mayor and City Commission adopt this Resolution and permit PAL to utilize the swale, and PAL and will be able to raise much needed funds for their operations through the operations of a food concession stand.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and allow the Police Athletic League (PAL), a not-for-profit entity, to utilize the public swale area, located at Dade Boulevard and Prairie Avenue, adjacent to Miami Beach Senior High School and/or in close proximity to City Hall, for a fund raising event to operate a food concession stand, from February 16-20, 2006, during the Miami International Boat Show; further providing that said public swale be utilized by PAL subject to the following conditions: (1) that 100% of the profits generated from this fund raiser to be returned to PAL for its exclusive use; (2) that the subject permission is granted without establishing precedent; and (3) that PAL provide a certificate of insurance or other proof of comprehensive liability insurance to the City, naming the City as an additional insured.

PASSED and **ADOPTED** this _____ day of _____, 2006

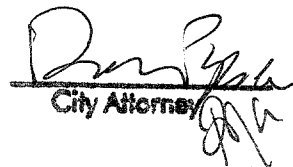
ATTEST:

CITY CLERK


MAYOR

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney



Date

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Condensed Title:

A Resolution to execute the attached Memorandum of Agreement with Miami-Dade County, allowing the City to install wayfinding signs.

Key Intended Outcome Supported:

Ensure well-designed capital projects. Increase satisfaction with neighborhood character.

Issue:

Shall the City Commission execute the Memorandum of Agreement with Miami-Dade County?

Item Summary/Recommendation:

The City of Miami Beach is a tourism-oriented community and recognizes the needs for a comprehensive road signage program.

The City Administration authorized a Request for Proposals from environmental graphic design firms for the detailed planning and design of a Citywide wayfinding signage system. In April 2003, Hillier Group Architecture Inc. was awarded a contract to plan, design and administer the construction of the wayfinding signage system.

Following public review, selection process and a final design approval by the Design Review and Historic Preservation Boards, a contract was awarded in July 27, 2005, to the lowest and best bidder, Gables Signs and Graphics, Inc.

Miami-Dade County has the responsibility to regulate traffic and signage countywide. The County required the City to provide a memorandum of agreement accepting responsibility for all capital costs, construction, maintenance and liability for these signs, because these are special signs, which the County does not provide or maintain.

The Administration recommends adopting the Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
OBPI	Total		
Financial Impact Summary:			

City Clerk's Office Legislative Tracking:

Fred Beckmann

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		<i>Jorge</i>

T:\AGENDA\2006\feb0806\consent\Wayfinding Signs County Interlocal Summary.doc



MIAMI BEACH

AGENDA ITEM C70
DATE 2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MEMORANDUM OF AGREEMENT WITH MIAMI-DADE COUNTY, AUTHORIZING THE CITY TO INSTALL WAYFINDING SIGNS, AND ACCEPTING RESPONSIBILITY BY THE CITY FOR CAPITAL COSTS, CONSTRUCTION, MAINTENANCE AND LIABILITY FOR SAID SIGNS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City of Miami Beach, is a tourism-oriented community, and has recognized the need for a comprehensive signage program, to enable visitors to easily navigate and to take full advantage of what the City of Miami Beach offers. The City Commission authorized the issuance of a Request for Proposals from environmental graphic design firms for the detailed planning and design of a Citywide Wayfinding Signage System.

On April 30, 2003, pursuant to Request for Proposals (RFP) No. 48-01/02, the Mayor and City Commission adopted Resolution No. 2003-25182, approving and authorizing the Mayor and City Clerk to execute an agreement with the firm of Hillier Group Architecture Inc, New Jersey, for Planning, Design and Construction Administration services for a wayfinding signage system.

The agreement with Hillier Group Architecture Inc, the consultant, was executed on April 30, 2003, for a lump sum fee of \$185,770.00 for professional fees and \$22,230 for reimbursable expenses.

The consultant created three (3) conceptual designs for the signage system and presented these design options in several public meetings, including before the Design Review Board and the Historic Preservation Board.

The Mayor and City Commission adopted Resolution No. 2004-25508 on February 25, 2004, approving the schematic design concept for the Citywide Wayfinding Signage System. The final design was reviewed on August 17, 2004 and approved at a joint public hearing by the Design Review Board and Historic Preservation Board.

The invitation to Bid No. 16-04/05 was issued on May 16, 2005 for the fabrication and installation of a signage package in accordance with the Citywide Wayfinding Signage and Identity System, with an optional sign maintenance service agreement. The Mayor and City Commission adopted Resolution No. 2005-25975, on July 27, 2005 which approved and awarded a contract to the lowest and best bidder, Gables Signs and Graphics, Inc., in the amount of \$1,476,623.62, with \$137,205 for contingencies and \$61,884 for construction administration.

According to Section 1.01(1) of the Dade County Home Rule Charter, Miami-Dade County has the responsibility to regulate traffic countywide, and pursuant to this power, Miami-Dade County enacted Section 2-96.1 of the Dade County Code, granting the Traffic and Transportation Department exclusive jurisdiction over traffic control including signage. In order to comply with the above and coordinate the required permits for the construction and installation of the wayfinding signs, the City's Public Works Department has coordinated with Miami-Dade County Traffic and Transportation Department.

The wayfinding signs that the City is proposing to install are considered special signs by Miami-Dade County. The County has requested the City to enter into a memorandum of agreement accepting responsibility for all capital costs, construction, maintenance and liability for the signs.

The Administration has prepared the attached Memorandum of Agreement with Miami-Dade County, which will authorize the City to install the wayfinding signs, and to accept responsibility for capital costs, construction, maintenance and liability.

CONCLUSION

The Administration recommends approving and authorize the Mayor and City Clerk to execute the attached Memorandum of Agreement with Miami-Dade County, authorizing the City to install wayfinding signs, and accepting responsibility by the City for capital costs, construction, maintenance and liability for said signs.

Attachments

JMG/RM/FHB/FAV

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RESOLUTION NO. _____

**A RESOLUTION APPROVING AND AUTHORIZING
THE MAYOR AND CITY CLERK TO EXECUTE A
MEMORANDUM OF AGREEMENT WITH MIAMI-
DADE COUNTY AUTHORIZING THE CITY TO
INSTALL SPECIAL WAYFINDING SIGNS, WHICH
ARE GENERALLY NOT PROVIDED AND
MAINTAINED BY THE COUNTY, AND ACCEPTING
RESPONSIBILITY BY THE CITY FOR CAPITAL
COSTS, CONSTRUCTION, MAINTENANCE AND
LIABILITY FOR SAID SIGNS**

WHEREAS, a comprehensive signage program is vital to any tourism-oriented community, enabling visitors to easily navigate and orient themselves and take full advantage of what the City of Miami Beach has to offer; and

WHEREAS the City wishes to install and maintain a Citywide Wayfinding Signage System, described as a coordinated system of guide signs on State, County and local streets, intended to assist automobile drivers and pedestrians to find their way to visitor destinations within the City; and

WHEREAS, pursuant to Request for Proposals (RFP) No. 48-01/02, the Mayor and City Commission adopted Resolution No. 2003-25182 on April 30, 2003, approving and authorizing the Mayor and City Clerk to execute an Agreement with firm of Hillier Group Architecture, New Jersey, Inc. (Consultant) for Planning, Design and Construction Administration services for a Wayfinding Signage System; and

WHEREAS, the Agreement was executed on April 30, 2003, for a lump sum fee of \$185,770.00 for professional fees and \$22,230 for reimbursable expenses; and

WHEREAS, the Consultant created three different conceptual designs for the signage system based upon the public input from the Identity Forum, and presented the three design options in several public meetings, including the Design Review Board and the Historic Preservation Board; and

WHEREAS, on February 25, 2004, the Mayor and City Commission adopted Resolution No. 2004-25508, approving the schematic design concept for the Citywide Wayfinding Signage System; and

WHEREAS, on August 17, 2004, the final design for the Citywide Wayfinding Signage System was reviewed and approved at a joint public hearing by the Design Review Board and the Historic Preservation Board; and

WHEREAS, on May 16, 2005, Invitation to Bid No. 16-04/05 was issued, for the fabrication and installation of a signage package in accordance with the Citywide Wayfinding Signage and Identity System, with an optional sign maintenance service agreement (the Bid); and

WHEREAS, on July 27, 2005, the Mayor and City Commission adopted Resolution No. 2005-25975, which approved and awarded a contract to the lowest and best bidder, GablesSigns and Graphics, Inc., in the amount of \$1,476,623.62, pursuant to the Bid, and further approved \$137,205 for contingencies and \$61,884 for construction administration; and appropriated funds, in the amount of \$218,726, from Fund 481 Parking Revenue Bonds Series 1997, for a total project budget of \$1,675,713.00; and

WHEREAS, Section 1.01(1) of the Dade County Home Rule Charter gives Miami-Dade County the responsibility to regulate traffic; and

WHEREAS, pursuant to this power, Miami-Dade County enacted Section 2-96.1 of the Dade County Code by which the Traffic and Transportation Department has exclusive jurisdiction over traffic control; and

WHEREAS the City wishes to install wayfinding signs, which Miami-Dade County considers to be special signs, which are generally not provided and maintained by the County; and

WHEREAS Miami-Dade County has no objection to the City installing these signs provided that the City enters into an inter-local agreement accepting responsibility for all capital costs, construction, maintenance and liability for the signs; and

WHEREAS the Administration recommends approving the attached Memorandum of Agreement with Miami-Dade County, which will authorize the City to install special wayfinding signs, which are generally not provided and maintained by the County, and accept responsibility by the City for capital costs, construction, maintenance and liability for the Citywide Wayfinding Signage System.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission of the City of Miami Beach, Florida, hereby approve and authorize the Mayor and City Clerk to execute the attached Memorandum of Agreement with Miami-Dade County, authorizing the City to install special wayfinding signs, which are generally not provided and maintained by the County, and accepting responsibility by the City for capital costs, construction, maintenance and liability for said signs.

PASSED and **ADOPTED** this ____ day of _____, 2006.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

M. [Signature] 1-17-06
City Attorney *[Signature]* Date

MEMORANDUM OF AGREEMENT

This **AGREEMENT**, made and entered into this ____ day of _____ 2006, by and between the **CITY OF MIAMI BEACH, FLORIDA**, a municipal corporation of the STATE OF FLORIDA, hereinafter referred to as the "**CITY**" and **MIAMI-DADE COUNTY**, a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "**COUNTY**".

WITNESSETH

WHEREAS, Section 1.01(1) of the Dade County Home Rule Charter gives the COUNTY the responsibility to regulate traffic; and

WHEREAS, pursuant to this power, the COUNTY enacted Section 2-96.1 of the Dade County Code by which the Traffic and Transportation Department has exclusive jurisdiction over traffic control; and

WHEREAS the **CITY** wishes to install special signs, which are generally not provided and maintained by the **COUNTY**; and

WHEREAS the **CITY** wishes to install and maintain a **Citywide Wayfinding Signage System** (special signs that are not provided and maintained by the **COUNTY**), hereinafter referred to as the "Project" described as follows:

A coordinated system of guide signs on State, County and local streets, intended to assist automobile drivers and pedestrians to find their way to visitor destinations within the City of Miami Beach; and

WHEREAS the **COUNTY** has no objection to the **CITY** installing these signs; and

WHEREAS the **CITY** has, by proper resolution attached hereto and by reference made a part thereof, authorized its officer to enter into this Agreement.

NOW, THEREFORE, in consideration of the promises and the covenants contained herein, the parties agree:

1. The **CITY** shall be responsible for all capital costs for the Project.
2. The **CITY** shall identify all necessary permits, utility adjustments and right-of-ways for the Project, in accordance with applicable State, Federal and local laws and ordinances.
3. The **CITY** shall be responsible for the inspection of sign installation.
4. The **CITY** shall be responsible for the maintenance of the signs after the Project is completed.
5. The **CITY** hereby agrees to indemnify, defend, save and hold the **COUNTY** harmless, to the extent of the limitations included within Section 768.28, Florida Statutes, subject to the provisions of said Section whereby, the **CITY** shall not be held liable to pay a personal injury or property damage claim or judgment by any one person which exceeds the sum of \$100,000, or any claim or judgment or portions thereof, which when totaled with all other claims or judgments paid by the **CITY** arising out of the same incident or occurrence, exceeds the sum of \$200,000, from all claims, demands, liabilities and suits of any nature whatsoever arising out of, because of, or due to the breach of this Agreement by the **CITY**, its agents or employees.

6. The **CITY** agrees to require its contractor to provide and maintain the following insurance throughout construction and/or installation of the Project:

Public Liability Insurance on a comprehensive basis in an amount not less than \$300,000 combined single limit per occurrence for bodily injury and property damage. **Miami-Dade County must be shown as an additional insured with respect to this coverage.**

Certificate of insurance will be furnished to:

Miami-Dade County
Risk Management Division
111 N.W. 1 Street, Suite 2340
Miami, FL 33128-1987

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written.

MIAMI-DADE COUNTY, FLORIDA

By: _____

ATTEST:

By: _____

Approved by County Attorney as to
form and legal sufficiency:



CITY OF MIAMI BEACH, FLORIDA

By: _____

ATTEST:

By: _____

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 1-17-06
City Attorney  Date

ATTACHMENT "A"
Citywide Wayfinding Signage System

CITYWIDE WAYFINDING SIGNAGE SYSTEM MEMORANDUM OF AGREEMENT

Resolution No. _____ dated _____.

Attached hereto and incorporated herein.

F:\PLAN\ALL\Meyers\Signage System\County interlocal agreement\Wayfinding Signs County Interlocal Agreement.doc

Condensed Title:

A Resolution to approve the appropriation of \$550,000 from the Storm Water Reserve Series 2000 Bond Fund 428 for Sunset Harbour drainage improvements.

Key Intended Outcome Supported:

Ensure well-maintained infrastructure.

Issue:

Shall the Mayor and City Commission approve the appropriation of \$550,000 from the Storm Water Reserve Series 2000 Bond Fund?

Item Summary/Recommendation:

In 1996, the Sunset Harbour Streetscape Project was constructed, which included limited modifications of the storm water drainage system in the area bounded by 20th Street, Purdy Avenue, Dade Boulevard, and Alton Road. Subsequent to the construction of the Project, partly due to the water quality level of service restrictions imposed by DERM, the storm water drainage improvements which were constructed did not resolve the storm water drainage problems which existed in the Sunset Harbour neighborhood.

Following continued citizen complaints about continued flooding, the City designed improvements/modifications that would address the water quality requirements and improve the existing water drainage system in the Sunset Harbour neighborhood. The Sunset Harbour's Home Owners Association is aware of and supportive of the proposed drainage system improvements.

The proposed improvements include installation of pump stations at the three existing deep drainage well locations on Sunset Harbour and valves to prevent bay water back flowing into the stormwater system. In 2003, the first phase of these improvements, consisting of retrofitting the existing drainage wells with pump station facilities, were constructed. Structures for the proposed pumps were installed at the three locations. Due to funding constraints and in agreement with the Sunset Harbour Task Force, pumps were installed at only one location where flooding was most critical. Flooding at the other two locations is still a problem that can only be resolved by installing pump systems to increase the discharge capacity into the existing wells.

The Administration recommends the appropriation of \$550,000 from the Storm Water Reserve Series 2000 Bond Fund (428) Public Works Allocation.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1	550,000	Storm Water Revenue Series 2000 Bond Fund 428 - Public Works Allocation.	
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Michael Alvarez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		<i>Jaeger</i>

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MIAMIBEACH

AGENDA ITEM C7P
DATE 2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING APPROPRIATION OF \$550,000 FROM THE STORMWATER REVENUE SERIES 2000 BOND FUND 428, FOR STORMWATER IMPROVEMENTS IN THE AREAS OF SUNSET HARBOUR DRIVE (PURDY AVENUE) AND 20TH STREET.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

On October 18, 2000, the Stormwater Revenue Bonds, Series 2000, provided \$52,170,000 for City projects. The Stormwater Utility is responsible for protecting the waterways and removal of stormwater from the roadways. The Utility manages and controls the amount of runoff that is discharged in the stormwater system. It is also responsible for maintaining the stormwater conveyance systems, relieving flooding conditions, and complying with the National Pollutant Discharge Elimination System (NPDES) permit requirements.

The City's stormwater management system has two primary objectives; flood protection or the removal of stormwater for the City right-of-ways and water quality improvement. To successfully accomplish the flood protection goal, the City meets this objective by designing and constructing stormwater gravity wells or injection wells with pumps which discharge the stormwater into the groundwater aquifer.

In 1996, the Sunset Harbour Streetscape Project was constructed, which included a complete modification of the stormwater drainage system in the area bounded by 20th Street, Sunset Harbour Drive (Purdy Avenue), Dade Boulevard, and Alton Road.

In response to citizen complaints in 2002, the City issued Task Order No. 26 to the City's drainage consultant, CH2M-Hill, under an existing contract for a Citywide Stormwater Management Program to design and permit improvements/modifications to the existing drainage system on Sunset Harbour Drive and 20th Street in order to alleviate the flooding situation. The Sunset Harbour's Home Owners Association is aware and supportive of the proposed drainage system improvements. The design included the modification of three existing drainage well structures by installing appropriate pollution reduction boxes and pump housing structures at the following locations:

- In Maurice Gibb Memorial Park (formerly Island View Park) at the intersection of Dade Boulevard and Sunset Harbour Drive (Purdy Avenue);
- At the entrance to the Marina located at the intersection of Sunset Harbour Drive and 18th Street;
- In the median strip at the intersection of 20th Street and West Avenue.

Due to funding constraints and in agreement with the Sunset Harbour Task Force, the project was to be completed in two phases. The initial phase was to complete the construction of the pollution reduction boxes and pump housing structures at all locations and installation of a drainage pump system only at the entrance to the Marina (Sunset Harbour Drive and 18th Street). Once funding was available, the two remaining locations would be retrofitted with drainage pump systems.

On September 25, 2002, the City Commission adopted Resolution No. 2002-24986 appropriating funds and awarding the contract to Tran Construction for the above described initial phase of drainage improvements.

In 2003, construction was completed with a pump installation at the entrance to the Marina located in the intersection of Sunset Harbour Drive and 18th Street and with provisions to install drainage pumps at the other two locations at some point in the future.

Presently, these two other locations continue to flood and in order to alleviate the flooding, Public Works is proceeding with the installation of the drainage pumps at the two locations. The design is completed and construction is scheduled to start in early February 2006, and be completed by end of March 2006.

In order to construct/install the drainage pumps on the two remaining drainage structures, Public Works is requesting \$550,000 from the Storm Water Revenue Series 2000 Bond. These funds would be used to purchase drainage pumps, drainage pipes, tideflex valves, and pay the cost of both electrical and mechanical work.

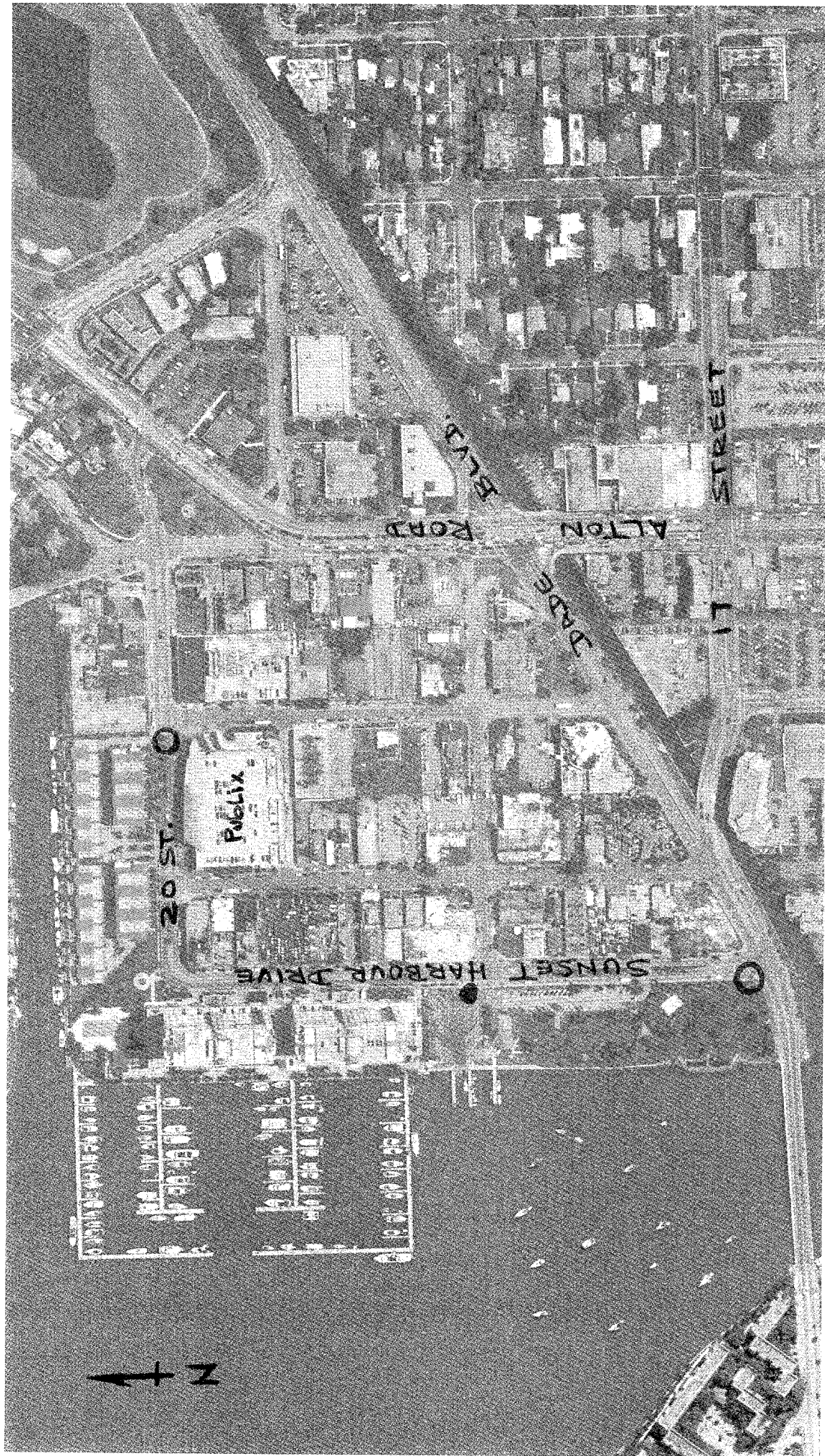
CONCLUSION

The Administration recommends the appropriation of \$550,000 from the Stormwater Revenue Series 2000 Bond Fund 428 Public Works allocation for stormwater improvements in the areas of Sunset Harbour Drive and 20th Street.

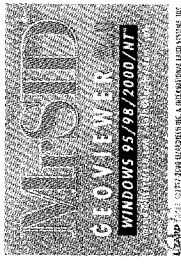
JMG/RM/FHB/MA

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SUNSET HARBOUR DRIVE AREA



- Stormwater Pump Station "Completed"
- Proposed



RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING APPROPRIATION OF \$ 550,000 FROM THE STORMWATER REVENUE SERIES 2000 BOND FUND (428) FOR STORMWATER IMPROVEMENTS IN THE AREA OF SUNSET HARBOUR DRIVE (FORMELY KNOWN AS PURDY AVENUE) AND 20TH STREET.

WHEREAS, in 1996, when the Sunset Harbour Streetscape Project was constructed, it included a complete modification of the stormwater drainage system for the Sunset Harbor neighborhood bounded by 20th Street and Sunset Harbour Drive, and Dade Boulevard and Alton Road (the Project); and

WHEREAS, subsequent to the construction of the Project, and partly due to water quality level of service restrictions imposed by DERM, the stormwater drainage improvements which were constructed did not resolve the stormwater drainage problems within the Sunset Harbour neighborhood; and

WHEREAS, to alleviate the continued drainage problems in this area, the City tasked CH2M Hill, the City's drainage consultant, to design and permit improvements to the existing drainage system on Sunset Harbour Drive and 20th Street; and

WHEREAS, CH2M Hill designed proposed improvements, encompassing pump stations at three locations in the Sunset Harbor area (where drainage wells existed); in 2003, the first phase of these improvements, which included the construction of pump station structures at three locations, but pumps have been installed at only one of them; and

WHEREAS, in order to complete the drainage improvements to this neighborhood, pumps must be installed at the remaining two locations, Dade Blvd / Sunset Harbour Drive, and 20th Street / Sunset Harbour Drive; and

WHEREAS, in order to construct/install the drainage pumps on the two remaining structures, the Administration is requesting the appropriation of \$550,000 from the Stormwater Revenue Series 2000 Bond, Fund 428.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve the appropriation of \$550,000 from the Stormwater Revenue Series 2000 Bond Fund 428 Public Works allocation for stormwater improvements in the area of Sunset Harbour Drive and 20th Street.


PASSED and ADOPTED this _____ day of _____, 2006

ATTEST:

MAYOR

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney Date 1/17/06

Condensed Title:

A Resolution executing a Landscape Maintenance Memorandum of Agreement (MMOA) with the Florida Department of Transportation (FDOT) for the Indian Creek Drive at 63rd Street Project Area.

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character.

Issue:

Shall the City execute the MMOA ?

Item Summary/Recommendation:

City requested that FDOT install landscaping on the median and roadside areas on Indian Creek Drive, from 350 feet south of 63rd Street to just north of Abbot Avenue (0.6 mile), as part of the 63rd Street At-Grade Project construction. U. S. Department of Transportation rules require that the host City assume full responsibility over maintenance of landscaped areas installed on State right-of-way, and execute the required Landscape Maintenance Memorandum of Agreement (MMOA) with FDOT. This has been common practice for previous FDOT projects in Miami Beach.

The Parks and Recreation Department has reviewed the MMOA and, with FDOT consent, added to Section 8.1, "FDOT authorizes the City to act as its agent with respect to recovery of damages and plant material loss due to automobile accidents."

The Administration recommends approval of the Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

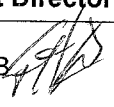
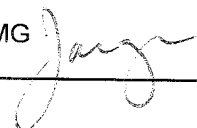
OBPI

Financial Impact Summary: The Greenspace Maintenance Div./Parks Department estimates it will cost approximately \$40,000/year to perform the maintenance duties proposed by this MMOA.

City Clerk's Office Legislative Tracking:

Robert Halfhill Extension 6833

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FHB 	RCM	JMG 

T:\AGENDA\2006\feb0806\consent\Indian Crk at 63rd Landscape MMOA-Summary.doc



MIAMIBEACH

AGENDA ITEM C7Q
DATE 2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT (MMOA), BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY, CONVEYING FULL LANDSCAPE MAINTENANCE RESPONSIBILITIES TO THE CITY, AFTER FDOT INSTALLS THE CITY-REQUESTED LANDSCAPED MEDIAN AND ROADSIDE AREAS ON INDIAN CREEK DRIVE, FROM 350 FEET SOUTH OF 63RD STREET TO JUST NORTH OF ABBOTT AVENUE, AS PART OF FDOT FINANCIAL PROJECT NUMBER 249940-1-52-01.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City of Miami Beach requested that the proposed Florida Department of Transportation (FDOT) At-Grade Project, that will replace the existing 63rd Street Flyover, include the installation of a landscaped median on Indian Creek Drive. Pursuant this request, FDOT incorporated the landscaped median plans in the 63rd Street Construction demolition. In addition, FDOT agreed to landscape certain roadside areas as shown in the Landscape Plans for the project.

USDOT rules allow FDOT to install minimum landscaping along urban corridors as part of a regular state right-of-way construction project as long as the municipality involved agrees to execute a Landscape Maintenance Memorandum of Agreement (MMOA) with FDOT, accepting full maintenance responsibility over the landscaped area. Miami Beach has executed several similar agreements in the past where minimum landscaping was maintained and financed by the City.

The City must execute the attached MMOA for the landscaping portion (median and roadside areas) of the Indian Creek Drive resurfacing project. The limits of this project extend from 350 feet south of 63rd Street to just north of Abbott Avenue (0.6 mile). The Project construction is scheduled to begin in May 2006.

The Parks and Recreation Department reviewed the MMOA and with FDOT concurrence added the following to Sub-Section 8.1, "FDOT authorizes the City to act as its agent with respect to recovery of damages and plant material loss due to automobile accidents."

The Greenspace Management Division of the Parks and Recreation Department estimates this project will cost the City approximately \$40,000 a year to perform the landscape maintenance duties established by this MMOA.

The proposed MMOA supports the City Key Intended Outcome of ensuring well-designed quality capital projects.

JG/RM/FB/RH/ME/AJ

Attachment: Landscape Maintenance Memorandum of Agreement (MMOA)
Landscape Plan and Pictures.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT (MMOA), BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY, CONVEYING FULL LANDSCAPE MAINTENANCE RESPONSIBILITIES TO THE CITY, AFTER FDOT INSTALLS THE CITY-REQUESTED LANDSCAPED MEDIAN AND ROADSIDE AREAS ON INDIAN CREEK DRIVE, FROM 350 FEET SOUTH OF 63RD STREET TO JUST NORTH OF ABBOTT AVENUE, AS PART OF FDOT FINANCIAL PROJECT NUMBER 249940-1-52-01.

WHEREAS, the City of Miami Beach requested that the Florida Department of Transportation (FDOT) install landscaping on the new median and roadside areas of Indian Creek Drive, in connection with the FDOT proposed at-grade replacement of the 63rd Street Flyover; and

WHEREAS, the landscaped median and roadside areas have been included in the FDOT plans for the Indian Creek Drive Resurfacing Project (the Project), known as Financial Project Number 249940-1-52-01; and

WHEREAS, the Project limits are from 350 feet south of 63rd Street to just north of Abbott Avenue, for a total Project length of 0.6 mile; and

WHEREAS, the City is required to enter into a Landscape Maintenance Memorandum of Agreement with FDOT, which conveys full landscape maintenance responsibilities to the City, after the Project is installed by FDOT; and

WHEREAS, the City has already entered into similar MMOAs for previous FDOT right-of-way projects in Miami Beach, which also included landscaping.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the Mayor and City Clerk to execute the attached Landscape Maintenance Memorandum of Agreement (MMOA) between the Florida Department of Transportation (FDOT) and the City, conveying full landscape maintenance responsibilities to the City, after FDOT installs the City-requested landscaped median and roadside areas on Indian Creek Drive, from 350 feet south of 63rd Street to just north of Abbott Avenue, as part of FDOT Financial Project Number 249940-1-52-01.

PASSED AND ADOPTED this the _____ day of _____, 2006.

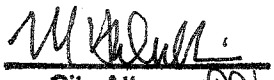
ATTEST:


CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

T:\AGENDA\2006\feb0806\consent\Indian Crk at 63rd Landscape MMOA-Reso.doc



City Attorney  1-26-06
Date

DEPARTMENT OF TRANSPORTATION
LANDSCAPE MAINTENANCE
MEMORANDUM OF AGREEMENT
WITH
THE CITY OF MIAMI BEACH

This **AGREEMENT**, entered into this _____ day of _____, 2006, by and between the **STATE OF FLORIDA**, Department of Transportation, a component agency of the State of Florida, hereinafter called the **DEPARTMENT** and the **CITY OF MIAMI BEACH**, a municipal corporation of the State of Florida, existing under the Laws of the State of Florida, herein after called the **CITY**.

WITNESSETH

WHEREAS, as a part of the continual updating of the State of Florida Highway System, the **DEPARTMENT** has agreed to provide a landscaped median on Indian Creek Drive, as part of Financial Project Number 249940-1-52-01, on that part of the State Highway System described by Exhibit "A", which by reference hereto shall become a part hereof, within the corporate limits of the **CITY**; and

WHEREAS, the **CITY** and the **DEPARTMENT** mutually recognize that the maintenance of landscaping on the State Highway System affected by the said project would be more effectively and efficiently performed by the **CITY**; and

WHEREAS, the **CITY** and the **DEPARTMENT** hereto are of the opinion that the median and roadside areas shall be improved and attractively landscaped with various flora on SR A1A (Indian Creek Drive) between 350 feet south of SR 907 63rd Street (Alton Road) and just north of Abbot Avenue; and

WHEREAS, the purpose of this Agreement is to convey the landscape maintenance responsibility to the **CITY** for particular limits as defined in this Agreement; and whereasthe **DEPARTMENT** has designed landscaping improvements to the median and roadside areas under Financial Project Number 249940-1-52-01. As part of these improvements, and at the request of the **CITY**, landscaping and an

irrigation system will be installed by the Department, at its sole cost and expense, at those locations; and

WHEREAS, the parties hereto mutually recognize the need for entering into an agreement designating and setting forth the responsibilities of each party; and

WHEREAS, the **CITY** by Resolution No. _____ dated _____, attached hereto as Attachment "C", which by reference hereto shall become a part hereof, desires to enter into this **AGREEMENT** and authorizes its officers to do so.

NOW THEREFORE, for and in consideration of the mutual benefits to flow each to the other, the parties covenant and agree as follows:

1. CITY'S MAINTENANCE RESPONSIBILITY

The **CITY** shall be responsible for the maintenance of all landscaped and/or turfed areas within the **DEPARTMENT'S** right-of-way having the limits and scope defined in Exhibit "A". The **CITY** shall be responsible for performing the work described below with a minimum frequency of twelve (12) times per year:

- 1.1. Mow, cut and/or trim and edge the grass or turf in accordance with the latest edition of the State of Florida "Guide for Roadside Mowing" and the latest edition of the "Maintenance Rating Program".
- 1.2. Properly prune all plants which include plant and tree trimmings in accordance with the latest edition of the "Maintenance Rating Program". Pruning such parts thereof which may present a visual or other safety hazard for those using or intending to use the right-of-way.
- 1.3. To keep plants as free as possible from disease and harmful insects.
- 1.4. Remove and dispose dead, diseased or otherwise deteriorated plants.
- 1.5. Keep litter removed from roadside and median strips.

- 1.6. Remove and dispose of all trimmings, roots, branches, litter, etc., resulting from the activities described by (1.1) through (1.4) inclusively as described above.
- 1.7. To maintain, repair and operate the new irrigation system properly and pay for the associated cost of its operation and maintenance.

2 AMENDMENTS

This AGREEMENT may be amended in writing if mutually agreed to by both parties.

3. NATURAL DISASTERS

The CITY shall not be responsible for the clean -up, removal and disposal of debris from the DEPARTMENT'S right of way having limits described by EXHIBIT "A", or subsequent amended limits mutually agreed to in writing by both parties following a natural disaster (i.e. hurricane, tornados, etc.).

4. MAINTENANCE DEFICIENCIES

If, at any time while the terms of this AGREEMENT are in effect, it shall come to the attention of the DISTRICT MAINTENANCE ENGINEER that the CITY'S responsibility as established herein or a part thereof is not being properly accomplished pursuant to the terms of this AGREEMENT, said DISTRICT MAINTENANCE ENGINEER may at his option issue a written notice in care of the CITY MANAGER, to place said CITY on notice thereof. Thereafter the CITY shall have a period of thirty (30) calendar days within which to correct the cited deficiency or deficiencies. If said deficiencies are not corrected within this time period the DEPARTMENT may at its option, proceed as follows:

- a) Perform the maintenance of the landscaping with the Department and/or independent contractor's material, equipment and personnel and charge the reasonable cost of such work to the City, or
- b) Terminate this agreement in accordance with Item Seven (7) of the AGREEMENT

5. **NOTICES**

All notices, requests, demands, consents, approvals, and other communication which are required to be served or given hereunder, shall be in writing and shall be sent by registered mail or certified U.S. mail, return receipt requested, postage prepaid, addressed to the party to receive such notices as follows:

To DEPARTMENT: Florida Department of Transportation
1000 Northwest 111th Avenue, Room 6214
Miami, Florida 33172-5800
Attention: District Maintenance Engineer

To CITY: City of MIAMI BEACH
1700 Convention Center Drive
MIAMI BEACH, Florida 33139
Attention: Director of Public Works.

6. **LANDSCAPE MODIFICATION**

It is understood between the parties hereto that the landscaping covered by this **AGREEMENT** may be removed, relocated or adjusted at any time in the future as found necessary by the **DEPARTMENT** in order that the adjacent state road be widened, altered or otherwise changed and maintained to meet with future criteria or planning of the **DEPARTMENT**. The Department agrees to notify the City in the event alterations will be made so as to allow the continued ability of the City to perform its maintenance responsibilities under this Agreement.

7. **TERMINATION**

This **AGREEMENT** or part thereof is subject to termination under any one of the following conditions:

7.1. In the event the **DEPARTMENT** exercises the option identified by Item Four (4) of this **AGREEMENT**.

7.2. As mutually agreed to by both parties in writing.

7.3. In accordance with Section 287.058(1)(c), Florida Statutes, the **DEPARTMENT** shall reserve the right to unilaterally cancel this **AGREEMENT** if the **CITY** refuses to allow public access to any or all documents, papers,

letters, or other materials made or received by the **CITY** pertinent to this **AGREEMENT** which are subject to provisions of Chapter 119, of the Florida Statutes.

8. **TERMS**

8.1. The terms of this **AGREEMENT** shall only commence when the **DEPARTMENT** issues the **CITY** the Notice To Proceed Letter. The **DEPARTMENT** authorizes the **CITY** to act as its agent with respect to recovery of damage and plant material loss to automobile accidents.

9. **ATTACHMENT "A" AMENDMENT**

It is further understood that Attachment "A" may be amended or changed at any time, as mutually agreed to in writing by both parties.

10. **ADDITIONAL LANDSCAPING**

The **CITY** may construct additional landscaping within the limits of the right-of-ways identified as a result of this document, subject to the following conditions:

- 10.1. Plans for any new landscaping shall be subject to approval by the **DEPARTMENT**. The **CITY** shall not change or deviate from said plans without written approval by the **DEPARTMENT**.
- 10.2. All landscaping shall be developed and implemented in accordance with appropriate state safety and road design standards;
- 10.3. All requirements and terms established by this **AGREEMENT** shall also apply to any additional landscaping installed under this item;
- 10.4. The **CITY** agrees to complete, execute and comply with the requirements of the **DEPARTMENT'S** standard permit provided as Attachment "B" (not to actual size) to this **AGREEMENT** with by reference hereto shall be a part of hereof;

- 10.5. In the event that additional landscaping is added to the area and the **AGREEMENT** is terminated as established under Item Seven (7), the **CITY** agrees to accept full responsibility for all maintenance to the added landscaping at no cost to the **DEPARTMENT**
11. This writing embodies the entire **AGREEMENT** and understanding between the parties hereto and there are not other agreements and understanding, oral or written reference to the subject matter hereof that are not merged herein and superseded hereby.
12. This **AGREEMENT** is nontransferable and nonassignable in whole or in part without consent of the **DEPARTMENT**.
13. This **AGREEMENT**, regardless of where executed shall be governed by, and constructed according to the laws of the State of Florida.

LANDSCAPING MAINTENANCE AGREEMENT WITH THE CITY OF MIAMI BEACH.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____
District Secretary

ATTEST: _____
Executive Secretary

BY: _____
District General Counsel

INDIAN CRK AT 63RD LANDSCAPE MMOA-AGRMT.DOC

11/11/01 City Attorney 1-26-01 Date

ATTACHMENT “A”

SCOPE OF SERVICE

The DEPARTMENT plans to reconstruct Indian Creek Drive from 63 Street to Abbott Avenue, removal of the 63 Street Flyover and the Rehabilitation of the 63 Street Drawbridge. The project includes new at-grade intersection, new roadway lighting, new drainage structures, new signing and pavement markings, landscaping, and an update of all signalized intersections. The rehabilitation of the bridge will include new handrail, restoration and concrete repairs, new structural steel for the bascule leaf, and more reliable electrical systems, control systems and machinery system.

As part of the above-described project, the DEPARTMENT has agreed to install landscaping and irrigation in the median and roadside areas within the project limits below described:

PROJECT LIMITS: Indian Creek from 350 feet south of W. 63 Street (MP 2.730) to just north of Abbott Avenue (MP 3.302). The total length of the project is 0.6 miles.

FDOT Financial Project ID: 249940-1-52-01

COUNTY: Miami-Dade

DEPARTMENT Project Manager: Dennis Fernandez

CITY Project Manager:

ATTACHMENT "B"

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION SPECIAL PERMIT

District Six
6/95

DATE: _____ PERMIT NO.: _____
SECTION NO.: _____ STATE ROAD NO.: _____
COUNTY: _____ MILEPOST FROM: _____ TO: _____
STATE PROJECT NO.: _____ (if applicable) RECORD NO.: _____

APPLICANT: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP CODE: _____
TELEPHONE NO.: _____

Applicant requests permission from the State of Florida Department of Transportation, hereinafter called the Department, to construct, operate, and maintain the facility shown in the accompanying engineering as described here:

Location of Construction, Street Name, and Nearest Intersection:

1. Is the proposed work within the corporate limits of a municipality: Yes () No ()
Name of municipality: _____ Local Government Contact: _____
2. Prior to filing this application, the location of all existing utilities, both aerial and underground, has been ascertained, and the accurate locations are shown on the drawings (as applicable). A letter of notification was mailed on _____ to the following utilities/municipalities: _____
3. It is expressly stipulated that this permit is a license for permissive use only and that the construction within and/or upon public property pursuant to this permit shall not operate to create or vest any property right in said holder.
4. Whenever it is determined by the Department that it is necessary for the construction, repair, improvement, maintenance, safe and/or efficient operation, alteration, or relocation of any or all portion of said highway and/or transportation facility; the Permittee shall immediately remove any and all installed facilities from said highway and/or transportation facility, or reset or relocate thereon as required by the Department at the Permittee's expense.
5. All work shall meet Department's Roadway and Traffic Design Standards, Specifications for Road and Bridge Construction, and other applicable criteria in effect at the time of permit issuance. The work shall be performed under the inspection supervision of _____, Permit/Maintenance Engineer located at _____, Telephone No. _____. This designated engineer shall be notified forty-eight (48) hours prior to the pre-construction meeting and again immediately before commencement of work. All material and equipment shall be subject to inspection by the designated engineer or his authorized representative.
6. All Department property shall be restored to its original condition as far as practical in keeping with Department Specifications, and in a manner satisfactory to the Department, within thirty (30) days of the installation of the permitted work, unless otherwise approved by the Department.
7. A drawing covering details of this work shall be made a part of this permit. This drawing shall include plan, profile, and cross sections as appropriate, and may be required to bear the seal of a professional engineer licensed in the State of Florida. As built drawings are required: Yes () No ()
8. The Permittee shall commence actual construction in good faith within _____ days from the date of said permit approval and shall complete construction within _____ days from the commencement of work unless the permittee shows good cause for delay and the Department approves an extension. No extension

- beyond one (1) year from the date of issuance of this permit will be granted.
9. This construction and maintenance shall not interfere with the property and rights of a prior Permittee.
10. Special Conditions and Instructions by the Department:

-
11. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the State's right, title, and interest in the land to be entered upon and used by the Permittee, his heirs, assigns, and successors in interest, and the Permittee will, at all times, assume all risk of and indemnify, defend, and save harmless the State of Florida and the Department from and against any and all loss, damage, cost, or expense arising in any manner on account of the exercise or attempted exercise by said Permittee of the aforesaid rights and privileges.
12. During construction through Department acceptance of the permitted work, all safety regulations of the Department shall be observed and the holder must take measures, including placement and display of safety devices, that may be necessary in order to safely conduct the public through the project area in accordance with the Department's current edition of the Roadway and Traffic Design Standards, Index Series 600, and the Manual of Uniform Traffic Control Devices.
13. In case of non-compliance with the Department's requirements in effect as of the approved date of this permit, this permit is void and the work will be brought into compliance or removed from the right-of-way at no cost to the Department.

Submitted and Agreed to by:

Signature of Permittee

Corporate Seal

Name and Title (typed)

Attested

Recommended for approval: _____

Title: _____

Date: _____

Approved by: _____

District Permit Engineer or Authorized Representative

Date: _____

ATTACHMENT "C"

ATTACH CITY RESOLUTION

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INDIAN CRK AT 63RD LANDSCAPE MMOA-AGRMT.DOC

Condensed Title:

Resolution finding and declaring the existence of a parking emergency and allowing the Miami Beach Senior High School Parent Teacher Association to use the Dade Boulevard swale, adjacent to the school, for parking during the 2006 Miami International Boat Show for a fundraising event.

Key Intended Outcome Supported:

Increase community rating of cultural activities; improve parking availability; maintain or improve traffic flow.

Issue:

Should the Miami Beach Senior High School Parent Teacher Association be permitted to park cars on City property (swale area) fronting the High School's property during the 2006 Miami International Boat Show?

Item Summary/Recommendation:

The Miami Beach Senior High School Parent Teachers Association (PTA) is requesting permission to use the Dade Boulevard swale adjacent to the school to park cars during the Miami International Boat Show, February 16-20, 2006. The PTA will operate with the condition that all profits generated by this fundraising event will go to Miami Beach Senior High School. The PTA will provide off-duty police officers for traffic control. The PTA will also provide a certificate of insurance or proof of insurance to the City.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 100px; height: 50px; margin-bottom: 5px;"></div> OBPI	1			
	2			
	3			
	4			
	Total			
Financial Impact Summary:				

City Clerk's Office Legislative Tracking:

Max Sklar and Saul Frances

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	<i>[Signature]</i>	<i>[Signature]</i>

T:\AGENDA\2006\feb0806\consent\MB senior high school parking-boatshow.doc





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FINDING AND DECLARING THE EXISTENCE OF A PARKING EMERGENCY AND ALLOWING THE MIAMI BEACH SENIOR HIGH SCHOOL PARENT TEACHER ASSOCIATION (MBSH-PTA), A NOT-FOR-PROFIT ENTITY, TO UTILIZE THE PUBLIC SWALE AREA LOCATED AT DADE BOULEVARD, ADJACENT TO THE SCHOOL, TO PROVIDE ADDITIONAL PARKING FROM FEBRUARY 16-20, 2006, FOR THE MIAMI INTERNATIONAL BOAT SHOW, THROUGH A FUNDRAISING EVENT; FURTHER PROVIDING THAT THE SWALE AREA BE UTILIZED EXCLUSIVELY BY THE MBSH-PTA SUBJECT TO THE CONDITIONS SET FORTH IN THIS RESOLUTION.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Miami Beach Senior High School Parent Teacher Association (MBSH-PTA) has requested permission to use the Dade Boulevard swale adjacent to the school for parking during the 2006 Boat Show, for parking of vehicles of persons who will be attending the 2006 Miami International Boat Show, from February 16-20, 2006. This is a fundraising event for the MBSH-PTA, with all proceeds to benefit students of Miami Beach Senior High School.

The Miami International Boat Show, like many Special Events, increases the demand for available parking in the City. The use of this area for parking for this event would alleviate the increased parking demand and create less of an inconvenience for those citizens who live in the area.

Approval is recommended, conditioned on the following:

1. That all profits generated by this fundraising event go exclusively to the MBSH-PTA for the benefit of Miami Beach Senior High School;
2. That the subject permission is granted without establishing a precedent so as to satisfy the unique situation created by a severe parking shortage in the City during the Boat Show;

3. That MBSH-PTA, at its sole cost and expense, restore the property to the same condition as before its use;
4. That MBSH-PTA provides the City with proof of insurance, as determined and accepted by the City's Risk Manager, prior to commencing its proposed fundraiser;
5. That MBSH-PTA hire an off-duty police officer to direct traffic for the ingress and egress on Dade Boulevard;
6. That MBSH-PTA obtain a General Liability Certificate of Insurance naming the City of Miami Beach as an additional named insured;
7. That MBSH-PTA must properly install and maintain a secure perimeter for all landscaping; specifically, the flower beds, irrigation timers, and irrigation heads must be "flagged". The preferred method of restriction would be wooden stakes and rope. Alternative methods may be proposed by MBSH-PTA; however, it must be approved by the City Manager or his designee;
8. That MBSH-PTA will charge \$15.00 for the preferred parking spaces or a fixed flat fee for the duration of the Boat Show, primarily targeted for exhibitor use. The flat rate parking fee to be assessed to users in the back lot will be consistent with the City Parking Department's Citywide Boat Show Park and Ride plan;
9. The MBSH-PTA must assure that vehicles are parked properly within the confines of the swale area. Vehicles (or any portion thereof) obstructing pedestrian access may be cited and/or impounded; and
10. A signage plan should be submitted to the City at least 48 hours prior to the event.

This arrangement has been in place for the past two decades in partnership with MBSH-PTA or the Police Athletic League (PAL). Therefore, it is recommended that the Mayor and City Commission adopt this Resolution and permit the MBSH-PTA to use the properties which would ease the parking problems caused by the Boat Show and will allow the PTA to have their fundraiser for the school.

JMG:HF:MAS:ln

T:\AGENDA\2006\feb0806\consent\MB senior high school parking-boatshow MEMO.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FINDING AND DECLARING THE EXISTENCE OF A PARKING EMERGENCY AND ALLOWING THE MIAMI BEACH SENIOR HIGH SCHOOL PARENT TEACHER ASSOCIATION (MBSH-PTA), A NOT-FOR-PROFIT ENTITY, TO UTILIZE THE PUBLIC SWALE AREA LOCATED AT DADE BOULEVARD, ADJACENT TO THE SCHOOL, TO PROVIDE ADDITIONAL PARKING FROM FEBRUARY 16-20, 2006, FOR THE MIAMI INTERNATIONAL BOAT SHOW, THROUGH A FUNDRAISING EVENT; FURTHER PROVIDING THAT THE SWALE AREA BE UTILIZED EXCLUSIVELY BY THE MBSH-PTA SUBJECT TO THE CONDITIONS SET FORTH IN THIS RESOLUTION.

WHEREAS, the City has historically experienced parking shortages during major events such as Winter Music Conference, Art Basel Miami Beach, Memorial Day Weekend, New Year's Eve, Yacht and Brokerage Show, and the Miami International Boat Show; and

WHEREAS, during these times, severe parking demand has historically lead to mobility problems and ultimately gridlock on our City's roadway system; and

WHEREAS, the Administration has found that allowing for the use of specified vacant surface parking lots for additional parking opportunities during high impact events, coupled with an enhanced circulator program (Park-and-Ride) service, has alleviated the mobility problems and gridlock anticipated during these events; and

WHEREAS, the Administration has received a request from the Miami Beach Senior High School Parent Teacher Association (MBSH-PTA) for permission to utilize the Dade Boulevard swale, adjacent to the school, for parking for a fundraising event, and which would also provide additional parking for the Miami International Boat Show, from February 16-20, 2006; and

WHEREAS, the Administration recommends approval of MBSH-PTA's request subject to the following conditions:

1. That all profits generated by this fundraising event go exclusively to the MBSH-PTA for the benefit of Miami Beach Senior High School;
2. That the subject permission is granted without establishing a precedent so as to satisfy the unique situation created by a severe parking shortage in the City during the Boat Show;
3. That MBSH-PTA, at its sole cost and expense, shall restore the property to the same condition as before its use;
4. That MBSH-PTA provide the City with proof of insurance, as determined and accepted by the City's Risk Manager, prior to commencing its proposed

fundraiser;

5. That MBSH-PTA hire an off-duty police officer to direct traffic for the ingress and egress on Dade Boulevard;
6. That MBSH- PTA obtain a General Liability Certificate of Insurance naming the City of Miami Beach, Florida as an additional named insured;
7. That MBSH-PTA must properly install and maintain a secure perimeter for all landscaping; specifically, the flower beds, irrigation timers, and irrigation heads must be "flagged". The preferred method of restriction would be rebar and rope. Alternative methods may be proposed by MBSH-PTA; however, it must be approved by the City Manager or his designee;
8. That MBSH-PTA will charge \$15.00 for the preferred parking spaces or a fixed flat fee for the duration of the Boat Show, primarily targeted for exhibitor use. The flat rate parking fee to be assessed to users in the back lot will be consistent with the City Parking Department's Citywide Boat Show Park and Ride plan;
9. The MBSH-PTA must assure that vehicles are parked properly within the confines of the swale area. Vehicles (or any portion thereof) obstructing pedestrian access may be cited and/or impounded.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission herein find and declare the existence of a parking emergency and allow the Miami Beach Senior High School Parent Teacher Association (MBSH-PTA), a not-for-profit entity, to utilize the public swale area located at Dade Boulevard, adjacent to the school, to provide additional parking from February 16-20, 2006, for the Miami International Boat Show, through a fundraising event; further providing that the swale area be utilized exclusively by the MBSH-PTA subject to the conditions set forth in this Resolution.

PASSED and ADOPTED this 8th day of February, 2006.

ATTEST:

MAYOR

CITY CLERK

JMG:HF:MAS:ln

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

2-3-06

Date

Condensed Title:

A resolution approving in concept a grant to the Jewish Museum of Florida in an amount not to exceed \$500,000 for the Master Plan and renovation of the historic synagogue located at 311 Washington Avenue.

Key Intended Outcome Supported:

Increase community rating of cultural activities.

Issue:

Should the City award a grant in an amount not to exceed \$500,000 to the Jewish Museum?

Item Summary/Recommendation:

A referral was made to the Finance and Citywide Projects Committee for the committee to consider a request by the Jewish Museum of Florida for capital funding assistance from the City of Miami Beach in the amount of \$500,000 in order to begin work on their Master Plan relating to the renovation of the historic synagogue at 311 Washington Avenue. The Museum has embarked upon a four phase capital expansion program.

On January 19, 2006, the request was discussed by the Finance and Citywide Projects Committee. At that time, the Administration recommended funding the museum in a similar fashion as the City funded the Wolfsonian-FIU, with the funding allocated to the renovations of the 311 building. Representatives from the Jewish Museum requested \$500,000 from the City to fund the Master Plan and a portion of the renovation of the 311 Washington Avenue building. After discussing the matter, the Committee recommended the City award the Jewish Museum of Florida a \$500,000 capital assistance grant as requested by the Jewish Museum.

Advisory Board Recommendation:

The Finance and Citywide Projects Committee recommended in favor of the grant award on January 19, 2006.

Financial Information:

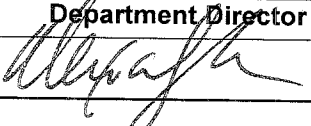
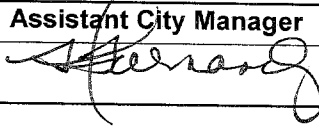
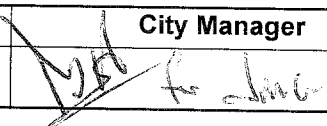
Source of Funds:	Amount	Account	Approved
1	\$500,000	South Pointe Capital Fund	
2			
3			
4			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Hilda M. Fernandez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



MIAMIBEACH

AGENDA ITEM C7S
DATE 2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING IN CONCEPT A GRANT FROM THE CITY TO THE JEWISH MUSEUM OF FLORIDA IN AN AMOUNT NOT TO EXCEED \$500,000 FOR THE MASTER PLAN AND RENOVATION OF THE HISTORIC SYNAGOGUE LOCATED AT 311 WASHINGTON AVENUE; AND APPROPRIATING \$500,000 FROM SOUTH POINTE CAPITAL FUND; AND DELEGATING AUTHORITY TO THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE JEWISH MUSEUM OF FLORIDA, PROVIDED TERMS OF SUCH AGREEMENT ARE SATISFACTORY TO THE CITY MANAGER AND CITY ATTORNEY'S OFFICE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

Funding is available in the South Pointe Capital Fund budget for Fiscal Year 2005/2006.

ANALYSIS

A referral was made to the Finance and Citywide Projects Committee for the committee to consider a request by the Jewish Museum of Florida for capital funding assistance from the City of Miami Beach in the amount of \$500,000 in order to begin work on their Master Plan relating to the renovation of the historic synagogue at 311 Washington Avenue. The following provides background on the proposed project and request.

Background

The Jewish Museum (Museum) of Florida, located at 301 Washington Avenue, first opened in Miami Beach on April 2, 1995. The Museum is housed at the site of Miami Beach's first Jewish congregation. The Museum building, built in 1936, is listed on the National Register of Historic Places and has recently undergone a \$1.5 million, two-year restoration.

The Museum locally hosts exhibitions, sponsors educational and cultural programs, and houses a Collections and Research Center. The Museum has embarked upon a four phase capital expansion program which consists of the following phases:

- Phase I - Acquisition of property: On June 30, 2005, the Museum acquired three properties (two buildings and a parking lot) for a purchase price of \$2.5 million;
- Phase II - Development of a Master Plan for Museum Expansion: This master plan encompasses the three properties acquired by the Museum:
 - Renovating the Beth Jacob synagogue (another historically significant building) located at 311 Washington Avenue;
 - Moving functions from the 301 building to the 311 building to free up exhibit and public programming space; and
 - Constructing a new Collections and Research Center building over the parking lot at an approximate cost of \$3 million.
- Phase III - Capital/Endowment Campaign: The Jewish Museum is embarking on a \$20 million, multi-year fundraising campaign to raise funds for the Master Plan, construction, endowment and operating budget.
- Phase IV – Construction: This phase includes the renovation of the 311 building to provide additional public display and meeting space, and enhanced storage capabilities, as well as the construction of a new Collections and Research Center above the parking lot to provide storage capacity, as well as comprehensive research facilities. The total project cost is estimated at \$5.5 million.

The Museum currently receives operating and exhibition funds from the State of Florida, and operating funds from Miami-Dade County (approx. \$150,000 annually) and the City of Miami Beach (\$55,000 annually). The CAC also provides annual operational funding to the Jewish Museum.

The City has previously provided capital funding support to the Museum. In 1994, the Museum received a loan of \$500,000 for the renovation of their facility. This loan had a ten-year term with an 8% interest. A total of \$213,912.45 was paid by the Museum by 1999, at which time the loan agreement was modified. At that time, approximately \$94,000 in prior interest payments were applied to the outstanding principal and all future interest payments were waived. All principal payments were waived in 1998-99. From 1999 until 2001, the City Commission approved the forgiving of \$60,000 in annual loan repayments. On September 25, 2002, the City Commission abated the balance of the loan (\$46,087) and the loan was considered paid in full.

City staff has met and spoken with Museum staff in the past few months to discuss the proposed expansion, project expenses and funding needs. Discussions also included other available sources of operational and capital funding. City staff researched grant programs available for consideration, and has provided information as applicable to the Museum.

For comparative purposes, as you may recall, the City approved a \$500,000 grant to the Wolfsonian-FIU in 2003 for purposes of their expansion project. The total budget for the expansion project was \$1,488,000. The \$500,000 allocation was intended to provide assistance with cash flow until the Wolfsonian-FIU received an Economic Development Initiative (EDI) grant of \$360,000 that had been approved, but had not been allocated. Under the terms of the grant agreement, the City's grant would be off-set with the receipt of the EDI grant funds. In addition, the Wolfsonian-FIU agreed to provide the City with non-exclusive use of the parking lot of the Miami Beach Women's Club for the next five (5) years as a means of alleviating parking congestion in the area. Additionally, the Wolfsonian-FIU agreed to provide free admission to City residents. During the course of preparing the grant agreement for execution, the EDI grant was received, and the final, total allocation of grant funds from the City to the Wolfsonian-FIU was \$176,000, or 12% of the total renovation costs.

On January 19, 2006, the request was discussed by the Finance and Citywide Projects Committee. At that time, the Administration recommended funding the museum in a similar fashion as the City funded the Wolfsonian-FIU, with the funding allocated to the renovations of the 311 building. Representatives from the Jewish Museum requested \$500,000 from the City to fund the Master Plan and a portion of the renovation of the 311 Washington Avenue building. After discussing the matter, the Committee recommended the City award the Jewish Museum of Florida a \$500,000 capital assistance grant as requested by the Jewish Museum.

Public Benefits

The Jewish Museum of Florida is an important tourist destination for the City of Miami Beach. As you know, Florida ranks number two in tourism dollars - more than \$4 billion is spent annually by tourists who visited historic sites. A larger portion of these tourists visit the Museum when visiting the City. Museum studies reflect that each dollar spent at the Museum generates \$4 for the City.

The Museum is open to the public 2,100 hours annually, Tuesdays-Sundays (10 am - 5 pm). Admission charges are \$6.00 adults, \$5.00 senior citizens or individuals in a group, \$12.00 families and children under six are free. Currently, the Museum offers free admission on Saturdays. If approved for this funding request, they will extend free admission to Miami Beach residents on Wednesdays and Fridays, with proper identification.

The Museum satisfies a number of Sunshine State Standards requisites therefore, schools book field trips to the Museum as part of the regular curriculum for middle and high school students. The Museum is also part of the Miami-Dade County Public School Museum Education Program with the school system providing an educator to the Museum oneday each week to arrange tours from the public schools. Pre-visit and post-visit lesson plans are produced for each exhibit and activities planned during Museum visits, as well. This partnership results in more than 4,000 student visits annually. Additionally, the Museum sponsors Teachers' Workshops for credits in the Miami-Dade County Public Schools system and Student Writing and Photo contests with cash prizes to encourage involvement in the exhibit themes and contemporary diversity issues.

Administration Recommendation

The administration supports the recommendation of the Finance and Citywide Projects Committee to award the Jewish Museum of Florida a \$500,000 capital assistance grant. Furthermore, the administration supports enhancing the Museum's public benefits package to include free admission to Miami Beach residents on Wednesdays and Fridays, in addition to Saturdays.

JMG/HMF/mas

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING IN CONCEPT A GRANT FROM THE CITY TO THE JEWISH MUSEUM OF FLORIDA IN AN AMOUNT NOT TO EXCEED \$500,000 FOR THE MASTER PLAN AND RENOVATION OF THE HISTORIC SYNAGOGUE LOCATED AT 311 WASHINGTON AVENUE; AND APPROPRIATING \$500,000 FROM SOUTH POINTE CAPITAL FUND; AND DELEGATING AUTHORITY TO THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE JEWISH MUSEUM OF FLORIDA, PROVIDED TERMS OF SUCH AGREEMENT ARE SATISFACTORY TO THE CITY MANAGER AND CITY ATTORNEY'S OFFICE.

WHEREAS, the Jewish Museum (Museum) of Florida, located at 301 Washington Avenue, first opened in Miami Beach on April 2, 1995 and the Museum is housed at the site of Miami Beach's first Jewish congregation; and

WHEREAS, the Museum has embarked upon a four phase capital expansion program which consists of the following phases:

- Phase I - Acquisition of property: On June 30, 2005, the Museum acquired three properties (two buildings and a parking lot) for a purchase price of \$2.5 million;
- Phase II - Development of a Master Plan for Museum Expansion, which three properties acquired by the Museum:
 - Renovating the Beth Jacob synagogue (another historically significant building) located at 311 Washington Avenue;
 - Moving functions from the 301 building to the 311 building to free up exhibit and public programming space; and
 - Constructing a new Collections and Research Center building over the parking lot at an approximate cost of \$3 million.
- Phase III - Capital/Endowment Campaign: The Jewish Museum is embarking on a \$20 million, multi-year fundraising campaign to raise funds for the Master Plan, construction, endowment and operating budget.
- Phase IV – Construction: This phase includes the renovation of the 311 building to provide additional public display and meeting space, and enhanced storage capabilities, as well as the construction of a new Collections and Research Center above the parking lot to provide storage capacity, as well as comprehensive research facilities. The total project cost is estimated at \$5.5 million; and

WHEREAS, on January 19, 2006, the Finance and Citywide Projects Committee discussed the Jewish Museum's request recommended the City award the Jewish Museum of Florida a \$500,000 capital assistance grant; and

WHEREAS, if approved for this funding request, the Museum will extend free admission to Miami Beach residents on Wednesdays and Fridays, with proper identification and

WHEREAS, the Administration recommends approval of the grant award to the Jewish Museum.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve in concept a grant from the City to the Jewish Museum of Florida in an amount not to exceed \$500,000 for the Master Plan and renovation of the historic synagogue located at 311 Washington Avenue; and appropriating \$500,000 from South Pointe Capital Fund; and delegating authority to the City Manager to enter into a grant agreement with the Jewish Museum of Florida, provided terms of such agreement are satisfactory to the City Manager and City Attorney's Office.

PASSED AND ADOPTED _____.


ATTEST:

CITY CLERK

MAYOR

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

2-3-06

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Condensed Title:

A Resolution approving the settlement of a City lien on real property located at 1971 71st Street owned by Rossam Properties, Inc., resulting from Special Master Case No. JB990016 in the amount of \$549,825.96 be settled for \$1,000.00.

Key Intended Outcome Supported:

Increase resident satisfaction with the level of Code Enforcement.

Issue:

Shall the City Commission approve the settlement of a City lien on real property owned by Rossam Properties, Inc.?

Item Summary/Recommendation:

The property at 1971 71st Street received a violation from the Building Department in 1998 for improperly completing a Forty Year Recertification. The required Forty Year Building Recertification was completed on a timely basis with a certification from a registered architect but did not have the architect/engineer's seal and signature on each page of the certification as is technically required and a violation was issued. The Notice of Violation was delivered to the tenant who discarded the notice and the owner was not made aware of the technical violation. In 2005, when the owner was undertaking the Ten Year Building Recertification, the owner became aware of the outstanding violation and timely completed the Ten Year Recertification and also complied with the technical violation from the previous Forty Year Recertification process. City records and the owner's statements support this fact pattern.

The lien for the recertification violation has escalated over the years to a total of \$549,825.96. This is clearly not an appropriate amount for what was a minor and technical infraction at the time. Since the appropriate report was filed and no remedial work was required, a significant reduction in this lien is appropriate. It is recommended that the \$549,825.96 be reduced to \$1,000.00 in full settlement for the property located at 1971 71st Street.

Advisory Board Recommendation:

N/A

Financial Information:



Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> OBPI	1			
	2			
	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Robert C. Middaugh

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMIBEACH

AGENDA ITEM C7T
DATE 2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SETTLEMENT OF A CITY LIEN ON REAL PROPERTY LOCATED AT 1971 71ST STREET, MIAMI BEACH, FLORIDA, OWNED BY ROSSAM PROPERTIES, INC., RESULTING FROM SPECIAL MASTER CASE NO. JB990016 AND PROVIDING THAT THE LIEN IN THE AMOUNT OF \$549,825.96 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF \$1,000.00.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The property at 1971 71st Street is owned by Rossam Properties, Inc. (Mr. Steve Polisar) and received a violation from the Building Department in 1998 for improperly completing a Forty Year Building Recertification.

There is agreement between the City records and the owner's recollection of the issue. The former Building Official has also agreed with the fact pattern. The required Forty Year Building Recertification was completed on a timely basis and filed with the City's Building Department with the required certification from a registered architect that the building was in compliance with all of the recertification requirements. No work on the property was necessary to be performed in order for the building to be recertified. The report submitted did not have the architect/engineer's seal and signature on each page of the certification as is technically required and a violation was issued.

It appears that the Notice of Violation was delivered to the tenant of the property who is a non English speaking business operator that subsequently discarded the notice. The owner was subsequently not made aware of the technical violation of the recertification process.

In 2005 when the property owner was undertaking a Ten Year Building Recertification, the owner became aware of the outstanding issue and violation associated with the previous Forty Year Recertification process. The owner timely and appropriately completed the Ten Year Recertification and also complied with the requirements to satisfy the technical violation from the previous Forty Year Recertification process.

The lien for the recertification violation has escalated over the years to a total of \$549,825.96. As there is agreement between the owner's recollection of events and the City's records, this is clearly not an appropriate amount of penalty associated for what was a minor and technical infraction at the time. Notice of the violation, while legally served, was not received by the owner who promptly complied upon discovery of the lien. Also, as the required report was filed and no remedial work was necessary, a significant reduction in this lien is appropriate. It is recommended that the \$549,825.96 be reduced to a minor infraction status of \$1,000.00 in full settlement for the property at located at 1971 71st Street.

JMG/RCM/sam

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Condensed Title:

A Resolution approving the settlement of a City lien on real property located at 8435 Crespi Boulevard owned by Delvin and Carmen Fruit, resulting from Special Master Case No. JB00000666 in the amount of \$294,601.22 be settled for \$19,000.00.

Key Intended Outcome Supported:

Increase resident satisfaction with the level of Code Enforcement.

Issue:

Shall the City Commission approve the settlement of a City lien on real property owned by Delvin and Carmen Fruit?

Item Summary/Recommendation:

The property at 8435 Crespi Boulevard is a six unit residential building that has accumulated a lien in the amount of \$294,601.22. The original violation was issued in April 2000 for work to rebuild a dock and to replace a kitchen cabinet in one of the units without an appropriate building permit. Compliance for the outstanding violation was achieved in October 2005 by the current owner, Mr. & Mrs. Delvin Fruit. At the time of the violation, the property was owned by Burkett-Scholl Properties II. The property was acquired by the Fruits in September 2005.

At the time of closing, the Fruit's were informed of the outstanding lien on the property and they received from their real estate representatives what we believe to be less than helpful advice on how to address the lien and closed on the property without making proper arrangements to satisfy the lien or place funds in escrow to address the lien after the closing. The current owner's circumstances are unfortunate and the current owner is not the cause of the lien associated with the property. As the violation on the property was not severe, the settlement has been structured at an appropriate fine amount that will hold accountable those most responsible. A total of \$19,000.00 is recommended as the settlement amount for this lien which is consistent with amounts that have been received for other lien settlements for similar types of violations. The \$19,000.00 is a combination of contributions from the former owner (\$5,000.00), the real estate attorney (\$4,000.00), and the title company (\$10,000.00). The structure of this settlement places the financial responsibility on those most responsible for the violation and lien.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> OBPI	1			
	2			
	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Robert C. Middaugh

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMIBEACH

AGENDA ITEM

C74

DATE

2-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SETTLEMENT OF A CITY LIEN ON REAL PROPERTY LOCATED AT 8435 CRESPI BOULEVARD, MIAMI BEACH, FLORIDA, OWNED BY DELVIN AND CARMEN FRUIT, RESULTING FROM SPECIAL MASTER CASE NO. JB00000666 AND PROVIDING THAT THE LIEN IN THE AMOUNT OF \$294,601.22 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF \$19,000.00.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The property at 8435 Crespi Boulevard is a six unit residential building that has accumulated a lien in the amount of \$294,601.22.

The original violation was issued in April 2000 for work to rebuild a dock and to replace a kitchen cabinet in one of the units without an appropriate building permit. Compliance for the outstanding violation was achieved in October 2005 by the current owner, Mr. and Mrs. Delvin Fruit.

At the time of the violation, the property was owned by Burkett-Scholl Properties II. The property was acquired by Mr. and Mrs. Fruit in September 2005.

At the time of the closing, Mr. Fruit's real estate representatives were informed of the outstanding lien on the property. Mr. and Mrs. Fruit received what we believe to be less than helpful advice on how to address the lien and closed on the property without making proper arrangements to satisfy the lien or place funds in escrow to address the lien after the closing. Mr. & Mrs. Fruit are not experienced real estate purchasers and developers and found that they were legally placed in a position that had they not closed on the property, they would have suffered a substantial loss and the property would have reverted to the seller.

The current owner's circumstances are unfortunate and the current owner is not the cause of the lien associated with the property. As the violation on the property was not severe, a settlement has been structured at an appropriate fine amount that will hold accountable those most responsible. A total of \$19,000.00 is recommended as the settlement amount

for this lien which is consistent with amounts that have been received for other lien settlements for similar types of violations. The \$19,000.00 is a combination of contributions from the former owner (\$5,000.00) the real estate attorney (\$4,000.00) and the title company (\$10,000.00). The structure of this settlement places the financial responsibility on those most responsible for the violation and lien and as indicated is consistent with other settlement amounts for work without a permit of this nature. The settlement also allows the Fruits to proceed with the redevelopment of the property and complete necessary renovations.

 JMGRM\sam

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RESOLUTION TO BE SUBMITTED

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